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# LAWS OF WISCONSIN

RELATING TO

## COMMON SCHOOLS

INCLUDING FREE HIGH SCHOOLS;

ALSO, THOSE RELATING TO

### Normal Schools and the University.

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COMPILED FROM THE REVISED STATUTES OF 1878, AND THE LAWS OF  
1879-1885, INCLUSIVE, AND PUBLISHED IN PURSUANCE OF LAW,

UNDER THE DIRECTION OF  
ROBERT GRAHAM,  
*State Superintendent.*



MADISON, WIS.:  
DEMOCRAT PRINTING CO., STATE PRINTERS.  
1885.

TO SCHOOL OFFICERS.

This volume is public property, and belongs to the school-district, or town, or high school-district, or city, or county superintendent district to which it is sent. The volume sent to the district clerk is to be kept by him in his office, for his own use and that of the other members of the board, but may be loaned by him to any voter of the district, to be retained not exceeding five days. If an annual, special, or adjourned meeting is to take place within ten days, this book should not be loaned to any person, but retained by the clerk, and produced by him at such meeting for consultation by the voters.

In like manner the volume furnished to each town clerk is to be kept by him in his office, for his official use and that of the board of supervisors.

When sent to *any* school officer, he holds it only in his official capacity, and it should be carefully preserved and handed over to his successor in office.

MAR 5 1901  
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## NOTE TO THE READER.

A new edition of the School Code was rendered necessary in consequence of the changes made in the school laws, in the general revision of the statutes, and was prepared by direction of the state superintendent, in 1878. An edition supplementary to that was published in 1880. Since that date several important changes in the school laws have been made, and on this account, as well as because the former edition is exhausted, a new edition has become necessary, and is designed to meet the call from new districts and otherwise.

In this edition, the laws relating to common schools, free high schools, normal schools, and University of Wisconsin, as well as those relating to county superintendents, and teachers' institutes, as amended by legislation subsequent to that embodied in the revised statutes of 1878 and including that of 1885, are included.

The sections of the former codes — 22 to 30 — which provided for union districts, were omitted in the revision, having become obsolete and useless, and the object intended to be accomplished by them being better reached by the free high school and the township laws. The sections of the old codes — 64 to 74 — providing for the assessment and collection of special district taxes by the district officers, in certain cases, were omitted; and provision was made, in section 474, for borrowing money, in anticipation of the collection of such taxes in the usual way.

The compulsory school law of 1879 will be found in this edition, commencing on page 64. It also embraces the changes made in the free high school law, in 1879, 1883, and in 1885.

No material changes in the comments or forms of former editions have been made, except when made necessary by changes in the law or recent decisions of courts.

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# Laws Relating to Common Schools.

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*Chapter 27, Revised Statutes of 1878.*

## I.—FORMATION, ALTERATION, MEETINGS, AND POWERS OF DISTRICTS.

### FORMATION OF DISTRICTS,

*As Amended by Chapter 355 Laws of 1885.*

SECTION 412. The town board in each town in this state shall have power to form and alter districts in the manner hereinafter set forth; provided that every school district shall be of contiguous territory, and shall not embrace more than thirty-six square miles of land, and that whenever any school district which has by vote contracted a debt, shall be altered by taking territory from it before such debt is fully paid, no such alteration shall be made as to leave to the district from which such territory is taken an indebtedness exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness.

The restriction as to the size of districts was enacted in 1868. The law now specifically requires that every district shall consist of contiguous territory. A district may be of any convenient form, provided it does not embrace more territory than the law allows, and provided its territory all lies in one body ; but it should be as compact in form as the natural features of the country will permit. It should also be as large as a proper regard to the distance to be traveled will allow, in order that it may be able to sustain a good school without resorting to burdensome taxation. The common desire for small districts should not be gratified at the expense of the welfare of the school. It is better that children should travel two or three miles to attend a good school, than half a mile to attend a poor one. The provision



that districts which have by vote contracted a debt shall not be altered until the debt is paid, is repealed, and provision is made that by alteration, no district shall be left with an indebtedness exceeding five per centum of the value of the taxable property therein.

By section 263, revised statutes, no district which is indebted to the trust funds of the state can be altered by taking therefrom any land included therein at the time of obtaining such loan, until such loan is fully paid, without the consent of the land commissioners of the state, and only upon such terms as they shall prescribe.

SECTION 413. The formation of any such school-district shall be by written order of the town board, describing the territory embraced in the same, to be filed with the town clerk within twenty days after the making thereof. The supervisors shall deliver to a taxable inhabitant of the district their notice thereof in writing, describing its boundaries, and appointing a time and place for the first district meeting, and shall therein direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor, and said inhabitant shall notify the voters of such district accordingly, and indorse thereon a return containing the names of all persons thus notified, and said notice and return shall be recorded as a part of the record of the first meeting in such district.

The order for forming a school-district must be made at a meeting of the board, of which all have been notified, and should be so clear and distinct that the boundaries of the district may be readily traced. The district should be described, therefore, by the government surveys; but reference may be made also, if necessary, to natural features, such as rivers, lakes, marked trees, etc., or to highways or town lines. A school-district, in the sense now under consideration, consists of *territory* and not of *persons*. The territory should be so described that changes of ownership will not require any change in the description.\*

When new districts are formed out of new territory, the order may be filed immediately, and the notice delivered to a taxable inhabitant without delay. If the order is not filed

\*See Form No. 1.



in twenty days, as directed, it should nevertheless be filed. The delay does not invalidate the order.

If the formation of a new district involves the alteration of the boundaries of any other district, consent must be obtained to each such alteration, as provided in section 419, or the order of formation cannot take effect for three months. The same section also provides that no alteration of a district can be made to take effect between the first day of December and the first day of April following. The matter is resumed in the comments on section 419, which prescribes the mode of alteration of districts, the notices to be given, etc.

A taxable inhabitant is one liable to pay a tax. If practicable, the notice delivered to this inhabitant should be read in the hearing of each voter. If this is not practicable, a copy of the notice left at the voter's residence will answer. In case of doubt in regard to any inhabitant of the proposed district, the question may be asked if he is a legal voter; and if the right to vote is claimed by him or for him, or seems to be doubtful, the notice should be given. This confers no right to vote, if the right does not already exist.\*

The day upon which any legal notice is served is not counted in computing the time required. Since, in this case, five days' notice must be given, the notice must be served on each voter as early, at least, as the sixth day before the time named for the meeting. Any neglect to notify all, or to notify in season, even if unintentional, may create dissatisfaction and lead to an appeal.

Not only the names of all persons notified, but the manner in which the notice was given to them must be embraced in the return made. "All returning officers are ministerial, and are bound to set forth in their returns all acts done by them, that the proper tribunal may judge of their sufficiency. They are not competent to judge of the legality of a notice or service; and a return that a precept has been *legally* served, or that the duty enjoined by the warrant had been duly performed, would most clearly be insufficient." †

\*See Forms Nos. 2 and 3. †12 Pick., 206.

The return is to be indorsed on the notice read to the voters, and signed by the person giving the notices. The document should be produced at the first meeting, and filed with the records of the district.\*

SECTION 414. In case such notice shall not be given, or the inhabitants of a district shall neglect or refuse to assemble and form a district meeting when so notified, or in case any school district, having been formed or organized, shall afterwards be disorganized, so that no competent authority shall exist therein to call a special district meeting in the manner herein provided, notice shall be given by the town board, and served in the manner prescribed in the preceding section. Whenever a district meeting shall be called as prescribed in this and the preceding section, it shall be the duty of the electors of the district to assemble at the time and place so directed.†

Three contingencies are provided for in this section : first, a neglect on the part of the person appointed to give the notice ; second, a neglect or refusal of the voters to meet and organize the district ; third, the loss of the organization of the district, by the removal or death of all its officers, or in any other way. In any one of these cases, the supervisors are to call a meeting, as provided in section 413.

The electors of the district are those persons who have a legal residence in the district, and who are qualified to vote at a general election for state and county officers. This matter is further considered under section 428.

It is the duty of all the electors to attend a district meeting called by the town board, to organize or reorganize the district ; but the acts of those who assemble are binding upon those who stay away. A full attendance is desirable, and persons entitled to vote should be present, when apprised of the meeting.

The first thing to be done, after the meeting has been called to order, is to elect a chairman ; a clerk *pro tem*. should also be chosen. The meeting is then organized to do business, and ready to elect the district officers, a director treasurer, and clerk, as provided in section 431. The further action of the meeting, proper to be had, can best be seen after reading section 416, and the comments thereon.

\*See Form No. 4.

†See Form No. 5.

## FORMATION OF JOINT DISTRICTS.

SECTION 415. Whenever it shall be necessary to form a district from two or more adjoining towns, the town boards of such towns shall meet together and form such district by their written order, describing the territory embraced in such district, signed by at least two of the supervisors of each town ; and shall file one such order with the town clerk of each town, and deliver the notice of formation to a taxable inhabitant of such district, and cause the same to be served and returned in the time and manner hereinbefore prescribed ; and any such district may be altered only by the joint action of the town boards of such towns in the same manner that other districts are altered.\*

Ordinary districts may become joint districts by the division of a town, without any further action.†

If a joint district is to be formed, the supervisors of all the towns concerned must meet. An order of formation without such joint meeting is illegal, and would be set aside on appeal, although the requisite signatures might be obtained. An order forming a joint district, must also be assented to and signed by a majority of the supervisors of each of the towns in which any part of the district is situated. Each town board acts and votes for its own town only, and there must be a majority of each board.

The notice for the first meeting of a joint district must likewise be signed by a majority of the supervisors of each of the towns containing part of the district, and the order of formation must be recorded in the office of each of the town clerks.

Again, if a joint district is to be altered, or dissolved, in order to form a new district in one of the towns, or for any other purpose, the order altering or dissolving the old district must be signed by a majority of the supervisors of each of the towns affected. If the joint district is dissolved, the territory should by the same order be attached to another district or other districts. If the new district is a joint district, the order forming it must be signed by a majority of the supervisors of each town that contains a part of said new district.

\*See Form No. 6.

† 35 Wis., 178.

*As amended by Chapter 280, Laws of 1882.*  
~~Chapter 280, Laws of 1882.~~ *Chapter 439, Laws of 1887.*

SECTION 1. Whenever an application in writing, for an alteration to be made in the boundaries of any joint school-district, signed by not less than one-third of the lawful voters residing in the districts to be affected by the proposed alteration, shall be presented to the chairman of supervisors of the town in which the school house of such joint district may be situated, such chairman shall thereupon fix a time for the joint meeting of the town boards of the towns in which such joint school-district may be situated, which time shall not be less than ten nor more than twenty days after the presentation to him of such application. He shall also cause a notice of the time and place of such meeting to be given to each supervisor entitled to be present thereat, which notice shall be served at least five days prior to the date fixed for such meeting. Such meeting shall be held at the school house in such joint district, unless some other convenient place shall be designated in the notice therefor.

SECTION 2. If the chairman of supervisors to whom such application shall be presented shall neglect or refuse to fix the time, or to give notice for the meeting of the town boards as provided in the first section of this act, or if the said supervisors or a majority thereof, of any town in which a part of said joint district may be situated, shall neglect or refuse to be present at such meeting; or, being present, shall neglect or refuse to hear and decide upon such application, the application shall be deemed denied, and an appeal may be had therefrom in the same manner and with the like effect as in other cases of denial.

SECTION 3. The provisions of sections 418, 419, 422 and 497 of the revised statutes, shall, so far as may be applicable, apply to proceedings under this act.

This act provides a remedy, in the way of appeal to the state superintendent, where the officer whose duty it is to give notice of the time and place of meeting of supervisors for hearing and determining upon proposed alterations of joint school-districts, neglects or refuses to give such notice, and where supervisors neglect or refuse to attend such meeting when called. The act also specifies the preliminary steps to be taken by persons intending to make use of this remedy, by appeal, for neglect or refusal. Where there is no neglect or refusal to act there is no necessity for the petition of one-third of legal voters in ~~each~~ <sup>the joint</sup> district, affected, nor does this act prevent procedure under sections 418, 419, 420 and 421 of the revised statutes.

*or two-thirds of the law*



## ORGANIZATION OF A DISTRICT.

SECTION 416. Every school-district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof shall have consented to serve in the offices to which they have been respectively elected, by a written acceptance thereof, filed with the clerk at the first meeting, and recorded in the minutes thereof; and every school-district shall be considered as duly organized, after it shall have exercised the franchises and privileges of a district for the term of two years.\*

If two of the officers elected are present, and at once file their acceptances with the clerk of the meeting, and he records them, the district is then duly organized, and may proceed to the transaction of any other business, as provided in section 430. The treasurer is not likely to file an approved bond at that time, but that can be done afterwards. If two of the officers do not then file their acceptances, the meeting should adjourn and await them. If the persons elected at the first meeting, or any of them, refuse to accept, the meeting may at once proceed to elect others. The same may be done at an adjourned meeting, if notice of refusal to serve is then received. The district should endeavor to effect a complete organization; but if after reasonable trial it fails to secure more than two officers by election, the two who have accepted may fill the vacancy.

When a district has exercised the powers and enjoyed the privileges of a school-district for two years, it is held to be legally organized, notwithstanding any informality of proceeding in its organization; and in the meantime, and until its organization is set aside by competent authority, it is the duty of its officers to comply with all the requirements of the school law. It is sufficient for them to know that it is a district *de facto*. After two years have elapsed, its organization cannot be set aside on account of any alleged defect in its original formation or organization.

## CORPORATE POWERS OF DISTRICTS.

SECTION 417. Every school-district organized in pursuance of this chapter, or which has been organized pursuant to law, shall be a body corporate, and shall possess the usual

\*See Form No. 7.

powers of a corporation for public purposes, by the name and style of school-district, or joint school-district number — (the name of the town or towns in which the district is situated); such number shall be designated by the town board or boards in the formation thereof; and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding such real and personal estate, as is authorized to be purchased by law, and of selling the same.

A school-district, as a corporate body, has perpetual succession and existence by its corporate name, and may hold real and personal estate for its corporate purposes. It is a body created by law, and is wholly distinct from the individuals that may, from time to time, compose it. It does not become dissolved, or lose any of its rights, or become discharged of its obligations by a change of its name, number, or boundaries, or by becoming a joint district. (4 Wis., 79.) But the number of a district should not be changed where it can be avoided.

Contracts made or suits brought by a district, and all writings in which it is a party, require that the name of the district should be mentioned: *e. g.*, *school-district number four, town of Lincoln, Polk county*. When district officers are specifically empowered by law to act, their names may be mentioned.

#### ALTERATION OF DISTRICTS.

SECTION 418. Whenever the town board shall contemplate an alteration of the boundaries of a school-district, they shall give at least five days' notice, in writing, to the clerk of the district or districts to be affected thereby, stating in such notice the time and place, when and where they will be present to decide upon such proposed alteration; and such clerk or clerks shall immediately notify the other members of the board; and no territory shall be detached from any district, unless it be by the same order attached to another; and any district may be dissolved by attaching all its territory to other districts.\*

Great care should be exercised in giving the preliminary notices of alterations proposed, as the want of this may render the proceedings of the supervisors illegal, and lead to an appeal.

\* See Form No. 8.

A written admission of service of the notice required by law, on the return of the person serving the notice, should be annexed to every order of alteration, and filed with it in the office of the town clerk, so that a complete history of the transaction may be preserved.

It is to be observed that no territory can be detached from a district unless it is by the same order attached to another. In case the territory is detached from a joint district, the order of detachment must be signed by the boards of all the towns, although the territory be attached to a district wholly within one of the towns.

It is also to be observed that a district may, at any time, be dissolved or wholly extinguished, by reason of the attachment of all its territory to other districts. This action will often be advisable when several districts are found to be too feeble to support good schools, and can be reduced in number with advantage. When districts thus become dissolved, the property pertaining to them is to be disposed of as provided in section 424.

SECTION 419. In all cases where an alteration of the boundaries of a school-district shall be made, the town board shall, within three days thereafter, give notice thereof by filing a copy of the order so altering the same, with the town clerk and with the clerks of the districts affected by such alteration; and no alteration of any school-district made without the consent of a majority of the district boards, indorsed on such order, shall take effect until three months after notice given as above specified, unless such alteration is made in compliance with the order of the state superintendent given in the decision of an appeal; nor shall any alteration of an organized district be made to take effect between the first day of December in any year, and the first day of April following.\*

Delay in giving the notices required in this section does not render the previous action of the supervisors void, as it is merely matter of information of an act done; nevertheless, the notices should be promptly given.

Copies of all orders making alterations in joint districts must be filed in the offices of the clerks of all the towns of which the districts altered constitute a part. Unless this is done, the supervisors of one town are unable to know the

\* See Form No. 9.

boundaries of a joint district without consulting the records of another town in which they have no control.

The action of the supervisors in altering districts is usually based upon petition, but they are to act without, when in their judgment the interests of education require it. It is their duty to make such alterations as will best promote the welfare of the public schools, even though not asked to do it. As a general rule, however, they will seek to *consolidate* rather than to divide districts, to make them as large as practicable and to avoid joint districts, unless very necessary.

The order of alteration is an official act, and must result from a resolution of a majority of the board, adopted at a meeting at which all are present, or of which all have been notified. A due sense of propriety, however, will lead a supervisor having a personal interest in any proposed alteration of a district to avoid acting in that case. It is better that the other members of the board should decide it without him. At the same time it is not illegal for him to be present and vote, and proceedings cannot be set aside on appeal on this account.

The reason for alteration of districts is, not unfrequently, that an additional district may be formed from territory taken from them. If the district board of any district from which a portion of the territory embraced in a new district is taken, refuses to consent to the alteration, the order of the supervisors does not take effect till three months after the notice is given, and the supervisors are not obliged to deliver the notice to a taxable inhabitant, calling the first meeting of the voters of the new district, till twenty days after said order takes effect; but such notice may be given at any time after the order is issued, provided that it does not call the meeting until the three months have expired. *No action* can be taken by the voters of the new district until the order of formation takes effect, for the reason that before that time *there is no new district*, and the people and the territory retain the same condition, and sustain the same relations that they did before the order forming the new district was issued. So in regard to districts formed



from other districts between the first day of December and the first day of April following; the alterations cannot take effect, nor the first meeting of the new district be held, till the first of April, or thereafter.

But whatever the purpose of the alteration of a district, the two restrictions exist. The reasons for the restrictions are, on the one hand, to prevent districts from being altered too summarily, without the consent of the board, and on the other, to avoid interference with the winter schools. See also the restriction as to debt, Sec. 412 and Sec. 263.

In regard to the duties of town boards in the matter of the formation or alteration of school districts, the general remark may be made, that while discretionary power is given them to act or not act, in any particular case, they are to exercise their discretion, not with regard to their own convenience, but the public good. Unreasonable requests for action are sometimes made, and to hold a meeting, especially of two or more boards, may be both inconvenient and expensive, but when a petition, respectably signed and presenting apparently good reasons for action, is submitted, the request for a meeting and for action should not be unreasonably denied. If the action desired is not granted, after proper examination, at a legal meeting, the petitioners then have the right of appeal; but if there is no meeting and no decision, they have not.

Special provision is now made by law for appeals in case of joint school-districts, where boards of supervisors neglect or refuse to meet to hear and determine applications for alterations of such districts, or where the chairman of the proper town fails to give the proper notice for such meeting, See chapter 286, laws of 1882, on page 6.

It is also to be noted, that when supervisors act on a petition, they are not confined to the terms of the petition. If a certain amount of territory is asked, they may grant more or less, provided the required notices have been given to the clerks of all the districts to be affected by the action.

#### DIVISION OF PROPERTY.

SECTION 420. When a new district is formed, in whole or in part, from one or more districts possessed of a school-

house or entitled to other property, the town board, at the time of forming such new district, shall ascertain and determine the proportion of the value of the school-house and other property, justly due to such new district, according to the taxable property of the respective parts of such former district, at the time of the division, by the best evidence within their reach, and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion.

SECTION 421. The town board shall certify to the district clerk of each district retaining a school-house or other property, the amount ascertained by them as the proportion to be paid to the new district, and such amount shall be embodied in the next statement of taxes to be made by the district clerk to the town clerk, as required by section four hundred and seventy-two, and shall be collected and paid to the treasurer of the new district, to be applied toward providing a school-house therefor; and the money so received shall be allowed to the credit of the taxable property, taken from the district paying the same, in reduction of any tax that may be imposed on said taxable property in the new district for the building of the school-house; but in case the new district shall have raised a tax and provided a school-house before such money shall have been received, the treasurer of the new district, who shall receive or have the amount so paid him or his predecessor, shall pay on demand each tax-payer the amount actually paid by him in school-house taxes, in excess of the amount he would have paid, if the money had been received and credit given before such taxes were collected, and the treasurer shall be liable therefor on his official bond.\*

The two foregoing sections have reference to cases in which *new* districts are formed from territory detached from districts possessed of a school-house or other property. When territory is merely transferred from one district to another, no claim will lie against the district yielding territory on account of property.

By "property" is meant lands, tenements, hereditaments, money, goods, chattels, things in action, and evidences of debt. The division of the share of the income of the school fund that may be due the district, is provided for, in a certain case, in section 558.

The appraisal and award should be made at the time of

\*See form No. 10.

the formation of the new district but will be legal if necessarily delayed.

If the duty is wholly neglected by the supervisors ; or, the award being made by them, if the clerk of the old district neglects his duty, the remedy in either case is by *mandamus*.

No vote of the old district is required to raise the amount to which the new district becomes entitled under the action contemplated by section 421. This tax cannot be collected as a special district tax ; it must be returned to the town clerk by the district clerk, as certified to him by the town board.

In case the new district shall decide to build a school-house and shall raise a tax for this purpose, the law provides that the amount paid by the old district shall be paid to the persons liable to be taxed, residing in that part of the new district formerly belonging to the old, so as to equal the abatement that would have been made in the tax levied upon the property of such persons, had the tax contemplated by section 421 been raised and paid over, before the school-house tax for the new district was levied.

#### DISTRICTS PARTLY IN CITIES AND VILLAGES.

SECTION 422. Whenever any school-district shall lie partly in a city, or village incorporated by special act, and partly in an adjoining town or towns, the common council of such city or trustees of such village and the town boards of such towns may alter or extinguish the same in the manner in which any other joint school-district may be altered or extinguished ; but no new joint district shall be formed, which shall embrace any part of a city.

This section makes express provision for a particular class of joint districts, and forbids the formation of any new joint district which shall embrace part of a city.

It also takes the place of chapter eighty-two of the general laws of 1872.

SECTION 423. Whenever any school district for two or more successive years neglects to maintain a public school as required by law, the town board of the town, embracing the district, shall attach the same to such other adjoining district or districts in the town as they shall judge proper ; and if the district be a joint district, then the town boards of the several towns shall attach the respective parts thereof to other districts in their respective towns.

Section 418 gives power to the town board to extinguish a district at any time by attaching its territory to other districts; but it will be seen from this section that it is their duty to extinguish such districts as fail to maintain a school for two years. The mere neglect or failure to elect officers does not extinguish the district. The organization may be restored, as provided in section 414.

SECTION 424. In every case where a district shall become dissolved by reason of the attachment of all its territory to some other district or districts, the town boards of the several towns embracing such district shall take charge of the property belonging to the same at the time of its dissolution, dispose of the same by grant or otherwise, and apply the proceeds to the discharge of its debts, paying over the remainder, if any, to the treasurers of the districts to which the territory has been attached, in proportion to the valuation of the property attached to each, as appears from the last tax rolls of the respective towns.

A district is extinguished or dissolved only when its parts are attached to other districts so that no part of the original district remains. If any part of it remains as a distinct district, although its name and number may be changed, it is not dissolved in the sense contemplated by law.\*

In case a joint district is dissolved, the supervisors of the towns in which the different parts of such district are situated, should unite in the sale of the property, and in executing the deeds of the real estate.

If the supervisors proceed to sell any property formerly belonging to a district that has become dissolved, they should require cash payment, and should give notice that a condition of the sale is the full payment within a limited number of hours—and that if such payment is not made, the property will be offered again for sale without further notice. All conditions of sale should be mentioned in the posted notices.

The supervisors are first to apply the proceeds of the sales to the payment of the debts of the district extinguished. These debts must be ascertained from the district board of such district, and no money should be paid except upon a

\* See the comments on Section 417.



written order of a majority of the district board. If debts are claimed which a majority of the district board will not admit, the amount thus claimed may be retained by the supervisors, until the legal proceedings commenced for the collection of the same have been concluded.

The last assessment roll is that upon which a tax has been or may be legally raised, and should be made the basis for the apportionment of the balance of money remaining after all the debts of an extinguished district are paid. In case there is an unexpended tax found in the hands of the treasurer of the extinguished district, the equitable mode of distribution is to pay over to the treasurers of the districts to which the territory has been attached, the proportionate amount contributed by such territory. If, however, there is found belonging to the extinguished district money derived from the town tax for schools, or from the income of the common school fund, such money should be distributed to the districts in proportion to the number of children over four and under twenty years of age, residing in the parts annexed to them respectively.

Though the statute specifies no time within which the supervisors are required to dispose of the property of an extinguished district, there can be no valid reason for any longer delay than is necessary to ascertain the outstanding liabilities. If pending litigation puts it out of their power to act immediately, they should improve the earliest favorable opportunity to settle the affairs of the district.

If two districts are consolidated, the public money which either may have in the hands of the town treasurer, or in the hands of its own treasurer, unexpended, becomes applicable to the payment of teachers' wages in the consolidated district. If there is any money due to a teacher of either of the districts consolidated, it should be drawn before the order of consolidation takes effect.

#### ANNUAL MEETING.

*As amended by chapter 69, laws of 1882, and chapter 298, laws of 1883.*

SECTION 425. The annual meeting in all school-districts in this state shall be held on the first Monday of July in each year. The hour of such meeting shall be seven o'clock

in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting. It shall be the duty of the district board of each school-district in this state to meet on the Saturday immediately preceding the first Monday of July in each year, and carefully examine the accounts of the treasurer, and make up a full and itemized report of all receipts and expenditures since the last annual meeting; the amount in the hands of the treasurer, or the amount of deficit for which the district is liable, and the estimated sum which will be required to be raised by taxes for the support of the school for the ensuing year; and the amount required to pay the interest or principal of any loan due or to become due during such year; which report shall be submitted in writing at the annual meeting, and recorded at length, with the action of the meeting thereon, by the clerk, with the records of the proceedings of the annual meeting. All school district officers whose term of office would expire at the time of the holding of the annual meetings in the years 1882, 1883 and 1884, shall continue to hold the respective offices to which they have been elected until the time of holding the annual meetings in the years 1883, 1884 and 1885, and at the annual meetings held as provided in this section during the years last mentioned, successors to such incumbents, whose terms of office would otherwise have expired in the months of July, August or September, 1882, 1883 or 1884, shall be elected for the full term of three years for each office thus expiring.

By this section, the former provisions for holding annual meetings at different times by districts maintaining graded schools, and by districts not maintaining graded schools, and by the same districts according to the vote of the district, are repealed. All annual school meetings in the several school districts of the state are now held on the same day.

The hour of meeting may be changed by a vote of the district at an annual meeting, but such vote can bear only on the next ensuing annual meeting. If no other hour is determined by vote, seven o'clock in the afternoon is the hour fixed by law.

A new provision is added which requires school district boards to meet on the Saturday immediately preceding the first Monday in July, in each year, examine the accounts of the treasurer, and make up an itemized report of all receipts and expenditures for the year preceding, the amount on hand, if any, the amount of indebtedness, if any, and esti-

mates of the amount necessary to be raised by taxation for all purposes for ensuing year. This report must be submitted in writing to the annual meeting, and recorded at length by the clerk, in the records of the district.

All terms of office extended by amendments to this section in 1882 and 1883 expire during the year 1885.

SECTION 426. The clerk shall give at least six days' previous notice of every annual district meeting, by posting notices therefor in four or more public places in the district, one of which shall be affixed to the outer door of the school-house, if there be one in the district; and he shall give like notices for every adjourned district meeting, when such meeting shall have been adjourned for more than one month; but no annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.\*

In order to give publicity to the annual meeting, the statute directs the clerk to post notices therefor in at least four public places in the district, but such notice is not essential to the validity of the meeting. The foundation of the meeting is the statute, or the order of a previous annual meeting, and not posting the notice for it.† The time and place for holding it may always be ascertained by examining the records of the district, and the objection that notice was not duly posted, is not well taken.

It is, however, the duty of the district clerk to give carefully the notice required for the annual meeting, and for neglect of duty he is liable to a fine, under the provisions of section 500. The notice should be given at least one week before the time for the meeting, and should also embrace the time of day and the place of meeting; also the more important items of business to be transacted; for while the law does not require this to be done, it will help to secure a full attendance, which is most desirable. But it is to be borne in mind that the object of the notice for the annual meeting is to assemble the inhabitants, and that when so assembled, their powers are defined, not by the notice, but by the statute.

If there is a willful and fraudulent omission to give notice,

\*See Forms, Nos. 11 and 12. †6 Hill, N. Y., 647.

the meeting may be judged illegal. Indeed, the action of an annual meeting held without due notice, will usually be looked upon with suspicion, and the state superintendent will not hesitate to sustain an appeal taken from such action, when it is made to appear that no proper opportunity has been afforded the people of a district to express their will. It should be noted that when a meeting is adjourned for more than one month, notice must be given, the same as for the original meeting.

By chapter 251, laws of 1883, district clerks are required to embody in the notice for an annual meeting, the fact that the question of a change of text-books will be submitted to the meeting. See comments on Section 440.

#### SPECIAL MEETING.

SECTION 427. Special district meetings may be called by the clerk, or, in his absence, by the director or treasurer, on the written request of five legal voters of the district, in the manner prescribed for calling an annual meeting; and the electors, when lawfully assembled at a special meeting, shall have power to transact the same business as at the first and each annual meeting, except the election of officers. The business to be transacted at any special meeting shall be particularly specified in the notices calling the same, and said notices shall be posted six full days prior to the meeting. No tax or loan or debt shall be voted at a special meeting, unless three-fourths of the legal voters shall have been notified, either personally or by a written notice left at their places of residence, stating the time, place, and objects of the meeting and specifying the amount proposed to be voted, at least six days before the time appointed therefor.\*

Exigencies will often arise requiring special meetings, and the power granted by the statute to call them should be liberally exercised for the benefit of the district. It is the duty of the clerk to call special meetings whenever requested to do so by the required number of legal voters. "The word *may* means *must* or *shall* only in cases where the public interests or rights are concerned; and where the public or third persons have a claim *de jure* that the power should be exercised."† "When public corporations or officers are authorized to perform an act for others, which benefits them,

\*See forms Nos. 13 and 14.

†5 John Ch. 113.



then the corporations or officers are bound to perform the act. The power is given them not for their own, but for the benefit of those in whose behalf they are called upon to act, and such is presumed to be the legislative intent. In such cases they have a claim *de jure* to the exercise of the power.”\* The fact that the district clerk does not approve of the objects sought by those who request him to call a special meeting, is not a good cause for refusing to accede to the request.

Any business that can be done at an annual meeting can be done at a special meeting, properly called, except the election of officers, voting a tax to compensate the clerk, and authorizing a change in text-books. The notice for a special meeting may be given by the director or treasurer in case of a vacancy in the office of clerk, or if that officer is absent or incapable of acting. All notices for special meetings must “particularly specify” the business to be transacted thereat, nor can business not thus clearly mentioned be legally acted upon. If voting a tax, loan or debt be a part of the business proposed, not only must notices be posted in not less than four public places in the district, but in addition to this, notice must be served *personally* upon at least three-fourths of the legal voters of the district.

A special meeting may rescind any action taken at the annual meeting, if proper notice has been given; but if rights have been acquired, by third parties, under previous action, those rights cannot be set aside by the vote of the district. This includes the rights of persons elected to a district office.

“Six full days” requires the notice to be given as early as on the seventh day before the time designated.

#### QUALIFICATIONS OF VOTERS.

SECTION 428. Every person shall be entitled to vote in any school-district meeting, who is qualified to vote at a general election for state and county officers, and who is a resident of such school-district.

The qualifications of voters at a general election are declared by section 12, of the revised statutes, to be as follows:

SECTION 12. Every male person of the age of twenty-one years, or upward, belonging to either of the following

classes, who shall have resided in the state for one year next preceding any election, shall be deemed a qualified elector at such election:

1. Citizens of the United States.
2. Persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.
3. Persons of Indian blood who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.
4. Civilized persons of Indian descent, not members of any tribe.

Every person convicted of bribery shall be excluded from the right of suffrage, unless restored to civil rights; and no person who shall have made or become directly or indirectly interested in any bet or wager, depending upon the result of any election, at which he shall offer to vote, shall be permitted to vote at such election.

Being first qualified to vote at a general election, the right to vote in any school-district depends upon being a resident thereof. Every man is supposed by the law to have a legal residence somewhere, and he can have but one at a time.

[The legislature, at the session of 1885, passed the following act, to provide for extending to women the right of suffrage upon school matters. If this proposition is sustained by a majority of the legal voters in the state voting upon the question at the general election to be held in November, 1886, thereafter the class of women therein designated will be entitled to participate in proceedings of school-district meetings. The act is inserted here for information.]

SECTION 1. Every woman who is a citizen of this state, of the age of twenty-one years or upwards (except paupers, persons under guardianship, and persons otherwise excluded by section 2, of article 3, of the constitution of Wisconsin), who has resided within the state one year, and in the election district where she offers to vote, ten days next preceding any election pertaining to school matters, shall have a right to vote at such election.

SECTION 2. At the general election to be held on the Tuesday next succeeding the first Monday in November, A. D. 1886, at all the usual places of holding elections in this state, for the election of all officers required by law then to be elected, the question whether this act shall go into effect or in any manner be in force shall be submitted to the people, and if the same shall be approved by a majority of all the votes cast on that subject, it shall go into effect and be in force from and after the date of said election,

otherwise it shall not go into effect or in any manner be in force.

SECTION 3. The votes cast upon the subject specified in the last preceding section, shall be by separate ballot, and shall have written or printed or partly written and partly printed on each of them the words, "For Woman Suffrage in School Matters," or "Against Woman Suffrage in School Matters," which words shall indicate the vote of the elector for or against the approval of this act; and the ballots so cast shall be canvassed and returned in the same manner as the votes cast for state officers are required by law to be canvassed, and the secretary of state shall immediately on the completion of said canvass, publish a statement of the result thereof, in some newspaper printed at the seat of government, and shall communicate the same to the next legislature at the commencement of its session.

The rules for determining the residence of electors are laid down in section 37 of the revised statutes, and are printed here for convenience:

SECTION 37. In determining the question of residence as a qualification to vote, the following rules, so far as applicable, shall govern, and if a person offering to vote be challenged as unqualified on the ground of residence, the inspectors shall admonish him of such rules and put to him such further questions as shall be proper to elicit the facts in respect thereto, namely:

*First.* As prescribed in the constitution, no person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States, or of this state; and no soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this state in consequence of being stationed within the same.

*Second.* That place shall be considered and held to be the residence of a person, in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever, he is absent, he has the intention of returning.

*Third.* A person shall not be considered or held to have lost his residence, who shall leave his home and go into another state, or county, town, or ward of this state, for temporary purposes merely, with an intention of returning.

*Fourth.* A person shall not be considered to have gained a residence in any town, ward or village of this state into which he shall have come for temporary purposes merely.

*Fifth.* If a person remove to another state with an intention of making it his permanent residence, he shall be considered and held to have lost his residence in this state.

*Sixth.* If a person remove to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered and held

to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

*Seventh.* The place where a married man's family resides shall generally be considered and held to be his residence, but if it is a place of temporary establishment for his family or for transient objects, it shall be otherwise.

*Eighth.* If a married man has his family fixed in one place, and he does his business in another, the former shall be considered and held to be his place of residence.

*Ninth.* The mere intention to acquire a new residence without the fact of removal, shall avail nothing; neither shall the fact of removal without intention.

*Tenth.* If a person shall go into another state, and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this state.

*Eleventh.* No person shall be deemed to have gained a residence in any town, ward, or village in this state, so as to entitle him to vote at any election therein, by remaining in such town, ward, or village as a pauper supported by the town or county in which he shall be living at the time of such election; and no person shall be deemed to have lost his residence in any town, ward, or village, by remaining in any other town, ward, or village as such pauper.

#### CHALLENGING VOTES.

SECTION 429. If a person offering to vote at a school-district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall declare that he is a voter, and if such challenge shall not be withdrawn, the chairman shall tender him the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be) that you are an actual resident of this school-district, and that you are qualified according to law to vote at this meeting." And every person taking such oath or affirmation shall be permitted to vote on all questions proposed at such meeting; and if the person shall refuse to take such oath or affirmation, his vote shall be rejected.

Section 36 of the revised statutes prescribes certain questions which may be asked by inspectors of elections of persons whose votes are challenged. Four classes of these questions are given, as those which will most frequently aid in determining the qualifications of a voter, though the chairman of a district meeting cannot, like an inspector of elections, require the person challenged to answer the questions under oath.



“SECTION 36. If a person offering to vote is challenged as unqualified, one of the inspectors shall tender to him the following oath or affirmation: You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector of this election; and shall thereupon put questions as follows:

*First.* If the person shall be challenged as unqualified, on the ground that he is not a citizen and has not declared his intention to become a citizen:

1. Are you a citizen of the United States? If no, then—
2. Have you declared your intention to become a citizen of the United States, conformably to the laws of the United States?

3. When and where did you declare your intention to become a citizen of the United States?

*Second.* If the person be challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election:

1. How long have you resided in this state immediately preceding this election?

2. Have you been absent from this state within the year immediately preceding this election? If yes, then—

3. When you left did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4. What state or territory did you regard as your home while absent?

5. Did you, while absent, vote in any other state or territory?

*Third.* If the person be challenged as unqualified on the ground that he is not a resident of the county, town or ward where he offers his vote, the inspectors or one of them, shall put the following questions:

1. When did you last come into this county, town or ward?

2. Did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this county for the purpose of voting in this county?

4. Are you now an actual resident of this county or ward, and what is the particular description, name, and location of your place of residence?

*Fourth.* If the person be challenged as unqualified on the ground that he is not twenty-one years of age, the inspectors, or one of them, shall put the following question:

- Are you twenty-one years of age, to the best of your knowledge and belief?

The ordinary grounds upon which a person offering to vote at a district meeting may be disqualified, are:

1. That he is not a citizen of the United States and has not duly declared his intention to become one.

2. That he has not resided in the state one year immediately previous.

3. That he is not a resident of the district.

4. That he is not twenty-one years of age.

The chairman of a district meeting is not required by law to put any of the foregoing questions to a person whose vote is challenged, on any of these grounds; but it will not be improper for him to do so, according to the circumstances of the case, for the information of the electors present.

If a person who is unqualified is allowed to vote without being challenged, those objecting to the proceedings must show that they did not know him to be unqualified. A challenge should be interposed at the first instance in which such person offers his vote, for it is not just for one to avail himself of a vote so long as it is cast so as to carry out his views, and then be permitted to object when the voter differs with the challenger.

The chairman of a district meeting has no right, under the statute, to prohibit from voting any male person who takes the oath required by the law. It will, however, be competent for the State Superintendent to correct and set aside, on appeal, all proceedings carried by votes clearly illegal, if the result depends upon them. It is the duty of the chairman of the district meeting to permit any person challenged, to take the oath required by law, and a refusal on his part to perform this duty will be considered good ground for setting aside the proceedings of the meeting.

Proceedings will not be set aside on account of illegal votes, unless a different result would have followed the exclusion of such votes.

“The mere circumstance that improper votes are received at an election will not vitiate it. The fact should be shown affirmatively, that a sufficient number of improper votes was received for the successful ticket, to reduce it to a minority if they had been rejected; or the election shall stand.” \*

If the nominee for chairman is challenged, the person

making the nomination usually acts as temporary chairman, and should require the person challenged to take the oath prescribed by the statute.

#### POWERS OF A DISTRICT AT A SCHOOL MEETING.

*As amended by Chapter 124, Laws of 1885.*

SECTION 430. The inhabitants of any school-district qualified by law to vote at a school-district meeting, when assembled at the first and at each annual meeting in their district, or at any adjournment thereof in their district, shall have power:

1. To appoint a chairman for the time being, and in the absence of the clerk, to appoint some person to act in his stead, and the person so appointed shall certify the proceedings of such meeting to the district clerk, who shall enter the same in the records of the district, and file and preserve the certificate of such temporary clerk.

2. To adjourn from time to time as occasion may require.

3. To choose a director, treasurer, and clerk.

4. To designate a site for a district school-house.

5. To vote such tax, as the meeting shall deem sufficient, to purchase or lease a suitable site for a school-house, to build, hire or purchase a school-house, and to keep in repair and furnish the same with the necessary fuel and appendages: provided, that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax for building, hiring or purchasing a school-house of more than six hundred dollars in any one year, unless the town board of the town in which such school-house is to be situated shall certify, in writing, that in their opinion a larger sum should be raised, specifying such sum; in which case an amount not exceeding the sum specified may be raised; provided further, that no district, containing a population of less than one thousand inhabitants may have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars, unless the town board shall certify as above set forth.

6. To vote such tax as the meeting shall deem proper for the payment of teachers' wages in the district; provided, that for such purposes, in all school districts having an average attendance at school, for the year, of fifteen scholars or less, not more than three hundred and fifty dollars shall be raised in any one year; in all school-districts having an average attendance of not more than thirty nor less than fifteen scholars, not more than four hundred and fifty dollars shall be raised in any one year; and in all school districts having an average attendance of not more than forty nor

less than thirty scholars, not more than five hundred and fifty dollars shall be raised in any one year.

7. To authorize and direct the sale of any school-house site or other property belonging to the district, when the same shall be no longer needed for the use of the district.

8. To impose such a tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

9. To vote a tax not exceeding seventy-five dollars in any one year for the purchase of maps, blackboards, and school apparatus.

10. To vote a tax not exceeding one hundred dollars in any one year, for a district library, consisting of such books as they may direct their district board, at a district meeting, to purchase; said books to be selected under the advice of the state superintendent: provided, that any school-district having less than two hundred children of school age, shall not vote a tax exceeding fifty dollars, in any one year, for such library; and that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax of more than five hundred dollars in any one year for any purpose other than for the purposes prescribed in the fifth subdivision of this section, and for the payment of the principal and interest of any loan due the state.

11. To authorize the district board to borrow money as provided elsewhere in these statutes.

12. To authorize the district board to admit to the privileges of the school persons over twenty years of age, and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein; and to fix a fee for tuition per term, quarter, or year, to be charged to the person thus admitted.

13. To authorize the district board to purchase text-books for use in the public schools, to be loaned or furnished pupils under such conditions as, by such vote and regulations of the board thereunder, may be prescribed.

14. To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than six months; and whether such school shall be taught by a male or female teacher or both, and whether the school money to which the district is entitled from the school fund income, and from the town shall be applied to the support of the summer or winter school, or a certain portion to each, but if such matters shall not be determined at the annual meeting, the district board shall determine the same.

15. To give such direction and make such provision as may be necessary, in relation to the prosecution or defense of any action or proceeding in which the district may be a party or may be interested.



16. At the annual meeting only, to vote a tax to compensate the clerk, which, in districts supporting graded and high schools, shall be such sum as may be voted, and in other districts not more than ten nor less than five dollars.

17. To alter or modify their proceedings, as occasion may require.

*Chapter 118, Laws of 1879.*

SECTION 1. The total amount of school district tax, hereafter levied in any school district in this state, in any one year, for building, hiring or purchasing any school building, and for the maintenance of schools, including teachers' wages and incidental expenses, shall not exceed five per cent. of the total assessed valuation of taxable property in such school-district for the current year.

Attendance upon the school meeting of the district is among the most important of public duties, and a sincere desire to promote harmony of feeling and a concert of action should manifest itself in the order, regularity, and courtesy with which the proceedings are conducted. Every consistent effort should be made to afford an opportunity for the expression of the will of a majority of the voters of the district upon all points.

The law does not determine the number necessary to constitute a quorum for the transaction of business. The action of a meeting, due notice of which has been given, and the proceedings of which are regular, will be sustained, though only a minority of the voters of the district may be present; but when, on account of extraordinary circumstances, the attendance is very small, courtesy, as well as the consideration of the best interests of the district, demands an adjournment for a week or more.

The action of the meeting is determined by a majority of those present and voting. The rule of common law is, "whenever electors are present, and do not vote at all, they virtually acquiesce in the election made by those who do." (2 Burr, 1,021.) Those who are present, but silent, must be held to assent to what the others do in carrying out the legal purposes of the meeting.

The law does not prescribe the manner in which the electors shall vote in the transaction of business. In all

important things it is better to have a rising vote or a call of the yeas and nays, and in the election of officers to vote by ballot.

In the further exposition of this important section, defining the powers of a district, such comments as seem necessary are placed under the several subsections, which are therefore given again, separately.

The electors assembled in annual meeting (or at the first meeting, the district having first effected an organization), have power :

1. To appoint a chairman for the time being, and in the absence of the clerk, to appoint some person to act in his stead, and the person appointed shall certify the proceedings of such meeting to the district clerk, who shall enter the same in the records of the district, and file and preserve the certificate of such temporary clerk.

At the first meeting of a newly formed district, some person will call the meeting to order, nominate a chairman, put the question, and declare the result. At subsequent annual meetings, if the director be present, it will be proper for him to perform this duty, though any elector is competent to act. The person elected chairman will at once take the chair, and if the district clerk be absent, the chairman will announce the fact, and ask that a clerk may be appointed *pro tem*. This will also be done, if it is the first meeting of the district. The person appointed chairman is not deprived of his right to vote on any question submitted to the meeting. He is not a permanent presiding officer, but merely a voter in the chair. He may give a casting vote, in case of a tie, or he may vote with the minority, when there is otherwise a majority of one in favor of any resolution, and thus make it a tie vote, which defeats the resolution ; or he may vote upon a call of the yeas and nays when his name is reached. He can, however, cast but one vote upon the question.

It is not proper to appoint any person chairman who is not a voter in the district.

The chairman must put to vote every motion or resolution that is seconded, unless he deems such motion or resolution to be out of order, and so declares. If the person making

the motion regards the decision of the chairman erroneous, it is his right to appeal to the meeting from such decision, and if the appeal is seconded, it is the duty of the chairman to put the question, "Shall the decision of the chair be sustained?" In case the meeting refuses to sustain the decision, it is the duty of the chairman to put the original question; a refusal to do so is disorderly, and the meeting has power to select another person for chairman, who will conform to its decision. The motion for this purpose may be put by the clerk, and the result should be declared by him. The chairman should carefully avoid any arbitrary or partial action or ruling, and give all an equal chance to be heard.

There is no code of rules for regulating the proceedings of district meetings, and hence that must be held to be legal to which a majority consents. The office of chairman is to aid in ascertaining the will of the majority of the meeting. In case the action of the meeting is illegal, the remedy is by appeal, but a mere unintentional non-observance of technical parliamentary rules is not sufficient reason for taking an appeal, nor will an appeal probably be sustained on this ground.

2. To adjourn from time to time as occasion may require.

A motion to adjourn takes precedence of all others. A motion to adjourn indefinitely takes precedence of a motion to adjourn to a day fixed. If the first fails to carry, the question will then be put upon the second. If a majority are in favor of adjourning, they cannot withdraw from the meeting until the question has been put and declared carried by the chairman, without leaving the minority in possession of all the powers in the district. A motion to adjourn cannot be received after another question is actually put to vote, and while the meeting is engaged in voting upon it, but in such case the vote must be concluded and the result announced by the chairman. If the meeting adjourns indefinitely all questions pending are discontinued, and they can be renewed only upon a fresh proposition; but if the adjournment is to a specified time, it is only a continuance of the session; and the questions are to be taken up at the point where they were left. The statute, however (see section 426),

provides that in case of an adjournment for a longer period than one month, notice shall be given of the time and place of holding the adjourned meeting, by posting written notices therefor in four or more public places in the district, one of which notices shall be fixed to the outer door of the school-house, if there be one in the district; said notice to be given at least six days previous to the time to which the meeting adjourned.

3. To choose a director, treasurer and clerk.

Before the meeting proceeds to elect officers, the minutes of the last annual meeting should be read, and those of such special meetings as have been held during the year. The reports of district officers should also be presented, and referred to a committee for examination, with instructions to report at some later stage of proceedings. The reports should be in writing, and should be carefully examined by the committee, or by the meeting, if convenient. All school officers should be held to a strict accountability for the faithful performance of their duties, and the financial statements submitted should be accompanied with vouchers for all moneys expended. Reports of officers should be spread upon the records, as papers that are merely filed are often lost.

It has already been recommended that the election of officers be by ballot. This is the better way, especially in large districts, with many voters. If a shorter method is resorted to, the least satisfactory one is by ayes and noes given by acclamation. In case the election is by some other method than by ballot, the vote should be taken first on the first nomination, and continued, if practicable, until some one nominated receives a majority. If it is decided to go into a ballot, the same rule applies, and not the rule of plurality. As the provision of the constitution (Art. III, Sec. 3) that "all votes shall be given by ballot, except for such *township* officers" as may be exempted by law, cannot be held to refer to school districts, so the provision (of the general statute relating to "elections other than for town officers") that "the person having the highest number of votes for any office shall be deemed to have been duly elected"



(R. S., Chap. V, Sec. 75), does not apply to the officers of school-districts. A school-district is left to adopt its own method of choosing its officers; and if the ballot is used, a majority determines the result, the same as in any other mode of election, or in a vote upon any other ordinary matter.

If no election is effected at the annual meeting, the meeting may adjourn, but cannot elect any officers at an adjourned session held more than ten days after the annual meeting. It is desirable that the district elect, either at the annual meeting or at an adjourned session; for while the law provides that any vacancies arising from non-election, or otherwise, shall be filled by appointment, this may prove less satisfactory. It should be noted that a person elected at the annual meeting cannot be ousted at an adjourned session.

One officer at least is to be elected each year, and after the first election, in the following order : clerk, treasurer, director. If a vacancy has occurred during the year past, which has been filled by the district board or by the town clerk, under the provisions of section 433, such appointment does not hold more than ten days after the annual meeting, and it is the duty of the district meeting to elect a person to fill such vacancy. The person thus elected will serve out the unexpired term, whether the same be one or two years. It will thus sometimes happen that more than one district officer is to be elected at an annual meeting.

If a vacancy exists at an annual meeting from any other cause than the expiration of the incumbent's term, it is advisable that a resolution be passed declaring that such vacancy exists, and stating the ground on which the meeting regards the office vacant. It is for the meeting to judge in the first instance whether a vacancy exists, and although it may err in so declaring, the officer elected will be deemed an officer *de facto*, and his acts in relation to the public and third persons deemed valid, until his election is pronounced void by competent authority.

If a mistake is made in stating the length of an unexpired term, the person elected will nevertheless serve to the

end of the term, and no longer, as this matter is regulated by law, and not by the vote of the district.

In the case of election at the first meeting of a district, if two of the officers elected at once file their acceptances with the clerk of the meeting, the district is then organized, and may go on to transact other business. Otherwise, the meeting should adjourn, as stated in the comments on section 416.

4. To designate a site for a district school-house.

The site selected should contain at least one acre, and should be as centrally located as circumstances will permit. The future needs, as well as the present condition of the district, should be considered, however, and hence it may not be good policy to locate the site at the present center of population. The surroundings should also be taken into consideration. It is more important that the location should be salubrious, quiet and pleasant, than that it should be strictly central. The vicinity of stores, taverns, mills, etc., is undesirable. A dry and sheltered spot should be chosen, but not too far from all inhabitants.

In designating the site it should be so definitely described that it can be laid out without reference to any other document than the resolution locating it. The people of the district cannot delegate power to the district board to designate the site, although they or a committee may be authorized and directed to make the necessary examination as to location, price and title. The action of the meeting is, however, required to fix legally its location. After a site has been designated, it does not become established until a title has been acquired, or the district board has made a contract binding upon the district for its purchase. The town board has no power to designate the site at the time of forming a new district, or at any other time, but may be called upon to establish it, if necessary, as provided in sections 477-480.

5. To vote such tax, as the meeting shall deem sufficient, to purchase or lease a suitable site for a school-house to build, hire or purchase a school-house, and to keep in repair and furnish the same with the necessary fuel and appendages, provided, that no district containing a population of less than two hundred and fifty inhabitants



shall have the power to levy and collect a tax for building, hiring, or purchasing a school-house of more than six hundred dollars in any one year, unless the town board of the town in which such school-house is to be situated shall certify, in writing, that in their opinion a larger sum should be raised, specifying such sum; in which case an amount not exceeding the sum specified may be raised; provided, further, that no district containing a population of less than one thousand inhabitants, shall have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars, unless the town board shall certify as above set forth.

The electors may vote such a tax as they "deem sufficient," subject to the conditions imposed by law; and with the consent of the supervisors of the town, *previously obtained*, they may vote any sum not exceeding that approved by those officers. If the district contains a population of one thousand, or upwards, it may raise more than \$1,000 without first obtaining the consent of the supervisors. It is quite proper, but not necessary, to designate a site before voting a tax to build the school-house; neither is it necessary that the site should be designated before levying a tax to pay for the same. If the tax deemed sufficient is afterwards found to be too small, an additional tax may be voted; and, if too much is raised, the electors may appropriate the same to any object for which they can legally raise a tax. The expense of investigating the title and of recording the deed may legally be included in the tax for a site. Although the law authorizes the leasing of a site, it does not permit the district to contract a permanent debt for future rent. Land for a site is sometimes held under a lease granting it for a consideration, paid in advance, for so long a time as the same may be used for the purpose of a public school. It is always advisable that the district should own the site.

Sections 477 to 484 prescribe the course that must be pursued when the district is unable to obtain the school-house site selected or designated by a majority of the electors thereof present at a regular meeting, on account of the refusal of the owner to sell or lease the same, or on account of the owner being a non-resident. In regard to the right of the district to the school-house, at the expiration of the

term for which the land upon which it is situated is held, the law, as stated by Judge Harris (7 Barb., N. Y. R., 266), is as follows: "Any one who has a temporary interest in land, and who makes additions to it or improvements upon it, for the purpose of the better use or enjoyment of it, while such temporary interest continues, may, at any time before his right of enjoyment ceases, rightfully remove such additions and improvements. If he omit to sever the addition or improvement until his right of enjoyment ceases, such an omission is to be deemed an abandonment of his right, and thereafter the addition he has made becomes, to all intents, a part of the inheritance, and the tenant, as well as any other person who severs it, becomes a trespasser."

Although a tax may be levied before a title has been acquired, yet the district board should not part with the money before a conveyance of the site has been made.

A question sometimes arises in regard to incumbrance in case of mortgage. The sum voted to purchase a site is held to be all that the district can at any time be called upon to pay for it; and hence the title should be free from incumbrance, unless it was expressly understood at the meeting voting the tax that the site was to be purchased subject to the incumbrance resting upon it. When a site is purchased which constitutes a part of the mortgaged tract, the rule of law is that the remaining property of the mortgagor shall first be sold, and if that is not sufficient to satisfy the mortgage, then of the remainder that which is conveyed latest is to be sold first. It is always better to obtain a clear title, and a district board is not justified in purchasing a site or in contracting for a building upon it, if said site is incumbered without an express vote authorizing them to do so.

The question also sometimes arises as to the legality of connecting the school-house with other erections made for different purposes, and under other control than that of the district board. This department has held that a tax cannot be voted for building a house for joint use as an academy and school-house, or a church and school-house, and that any partnership which does not secure to the district board the complete control of the house for school purposes is

illegal. In the case of Tracy vs. Talbot, (6 Mad. R. 214), Judge Holt held that "If a house, originally entire, be divided into several apartments, with an outer door to each apartment, and no communication with each other, the several apartments shall be rated distinct mansion houses."

The supreme court of Massachusetts held, in case of George vs. School District Mendon (6 Mete., 510) as follows: "If, under color of this corporate power of a school-district, the inhabitants should vote to erect an expensive and ornamental building, with a view to improve the neighborhood, to enhance the value of the real estate, to accommodate societies, lectures, dramatic exhibitions, or to have a convenient place for religious meetings or public worship, or for any other use than that of a district town school, it would not be within the legitimate authority of a school district, and any vote to levy a tax on the inhabitants for such a purpose would be void."

There may be distinct tenements under the same roof; and tenements are as essentially distinct when one is under the other, as when one is by the side of the other. (1 Mete., 541.)

It is desirable that every district should own a good school house, and that it should be entirely separate from other buildings; still, it sometimes happens that economy demands a co-operation between the district and some other association, in erecting two houses under the same roof. Such an arrangement is held to be legal, provided the district secures by proper legal covenants: *First*. The complete and undivided control of the school rooms at all times, and of all doors and passages affording egress and ingress thereto. *Second*. That the other rooms of the building shall not be used at any time during school hours for an assemblage or purpose which can distract the attention of the pupils, or interfere, by noise, or otherwise, with their instruction. *Third*. That the parties using or owning the other rooms shall pay the whole or some definite part of the expenses of such repairs upon those rooms, or the roof or other parts of the building, as the district shall deem necessary. *Fourth*. That the parties owning the other parts of the building shall

pay a proper proportion of the amount necessary to keep the whole properly insured.

The best method of protecting the interests of the district is for the board to lease the rooms on the foregoing conditions, and such others as are proper. The lease should provide for its own termination on any breach of its conditions, and should contain an express provision that whenever a district meeting shall determine that the residue of the building is needed for school purposes, the same shall become the property of the district upon the payment of the appraised value of the labor and materials used in its construction.

A district meeting may vote a tax for a fence, sidewalks, separate privies for the two sexes, wood-house, stoves, stovepipe, and bell, as these are held to be necessary appendages.

Money may also be raised to pay for the insurance of the school-house. This must be a definite sum. The school-house cannot be insured in those companies that require a note for part of the premium, for the district board cannot bind the district to pay a note drawn by them for such a purpose. All taxes voted must be for specific and legal objects, and the specific amount raised for each of the several objects for which the tax is levied, should be stated in the resolution passed by the meeting, in order that the district and the board may know the precise extent of their liability and authority.

A district has power to vote a tax to *enlarge* a school-house, notwithstanding it may have cost all that said district is by law authorized to raise in any one year, and the tax for such enlargement does not require the consent of the town supervisors thereto. The amount received from the sale of the old school-house may be added to the amount authorized by law to be raised for building in any one year, and expended for the new building.

6. To vote such tax as the meeting shall deem proper for the payment of teachers' wages in the district; provided, that for such purposes, in all school districts having an average attendance at school, for the year, of fifteen scholars or less, not more than three hundred and fifty dollars shall



be raised in any one year; in all school-districts having an average attendance of not more than thirty nor less than fifteen scholars, not more than four hundred and fifty dollars shall be raised in any one year; and in all school-districts having an average attendance of not more than forty nor less than thirty scholars, not more than five hundred and fifty dollars shall be raised in any one year.

The amount which may be raised for teachers' wages is restricted by the average attendance at school for the previous year, the particulars of which should be made known at the annual school meeting, before taxes are voted, that the amount voted may not be unlawful.

By reference to subdivision 10, it will be seen that a district with less than two hundred and fifty inhabitants cannot raise more than \$500 in one year for teachers' wages, or any other purpose, beside those therein excepted.

The income of the school fund annually apportioned to the different districts on the basis of population over four and under twenty years of age, together with the amount which is received by the districts from the tax levied by the county supervisors, must be appropriated to the payment of teachers' wages, and the balance is to be raised by tax. A tax cannot legally be levied to pay a person for services as a teacher who did not hold a certificate of qualification at the time such services were rendered; nor can any public money be paid to a person for services as a teacher, who is not qualified according to law.

7. To authorize and direct the sale of any school-house site or other property belong to the district, when the same shall be no longer needed for the use of the district.

The restriction here imposed upon the sale of district property is important. It must no longer be needed for the use of the district. The district must act through the district board, as the board alone is competent to make contracts binding upon the district. If any credit is to be given upon the sale of district property, the people at the district meeting should, by resolution, specify the exact terms thereof, and should fix the lowest price to be accepted. The district board are responsible to the district for the exercise of the same care that a prudent man would take in managing his own affairs.



8. To impose such a tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

The debts which the district is most likely to incur, are such as may be made by the board, under sections 435 and 436, for repairs on the school-house, in providing necessary appendages for the same, and in the purchase of record books, blanks, stationery, apparatus, school books for indigent children, and for the school generally, when authorized so to do. The district may also incur indebtedness for money borrowed.\*

9. To vote a tax not exceeding seventy-five dollars in any one year, for the purchase of maps, blackboards and school apparatus.

Maps are necessary for teaching geography, for the principal facts are learned more readily by the eye than in any other manner. Every school room should be furnished with a map of the world, of the United States and of this state; also of the county in which the school-house is situated. A globe is also desirable. Blackboards should extend around the school room, that is, should occupy all the space not taken by doors and windows, to a height of seven feet from the floor, the lower edge of the blackboard being about two feet nine inches from the base board. Charts are now easily obtained for teaching reading, penmanship and other branches, and the cost is much more than made up in the increase of interest among the pupils, and the greater facilities for the teacher. School boards should acquaint themselves with the cost and the use of the more simple and important kinds of apparatus, as they are now authorized to purchase school apparatus for the use of the district, not exceeding in value seventy-five dollars in any one year, without authority being given by vote of the district. See section 436.

10. To vote a tax, not exceeding one hundred dollars in any one year, for a district library, consisting of such books as they may direct their district board at a district meeting to purchase; said books to be selected under the advice of the state superintendent; provided, that any school-district having less than two hundred children of school age, shall

\* See comments on subdivision 11.

not vote a tax exceeding fifty dollars in any one year, for such library; and that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax of more than five hundred dollars in any one year for any purpose other than for the purposes prescribed in the fifth subdivision of this section, and for the payment of the principal and interest of any loan due the state.

This is an important provision, if wisely carried out. By judicious action, a valuable library may be secured for each school district; but unless the money raised is placed in the hands of discreet and competent men to expend, the books obtained will be liable to be of no real benefit to the people.

The restriction of the amount of tax that may be raised in one year for any purpose, except two, to \$500, by a district with less than two hundred and fifty inhabitants, should be carefully noted.

The preceding subdivisions (5, 6, 8, 9, 10), cover all the objects for which school-districts may levy taxes, except those named in subdivision 16, in sections 474, 475 and 476, and in the sections of the revised statutes printed immediately thereafter, in this code.

In this connection, it is deemed proper to insert the act of 1879, limiting the total amount of school-district tax to be levied in any one year, with some comments.

*Chapter 118, Laws of 1879.*

SECTION 1. The total amount of school district tax, hereafter levied in any school-district in this state, in any one year, for building, hiring, or purchasing any school building, and for the maintenance of schools, including teachers' wages and incidental expenses, shall not exceed five per cent. of the total assessed valuation of taxable property in such school-district for the current year.

SECTION 2. All acts or parts of acts conflicting with this act are hereby repealed.

The object of this law is to restrain excessive taxation for school purposes. Under it, the total amount of taxes levied by a district in any one year must not exceed five per cent. of the last valuation of property in the district. Although the taxes may be less than five per cent., the restrictions provided for in section 430 (subdivisions 5, 6, 9 and 10) are

still in force. They are not in conflict with the above act and are not repealed by it.

11. To authorize the district board to borrow money as provided elsewhere in these statutes.

Under section 474, the district may authorize the board to borrow money, as well as levy a special tax, to meet any unusual exigency. This authority is given to the district, partly in place of that formerly conferred by section 64 of the school code, not only to levy special taxes, but if done between the first Monday in November and the next annual meeting, to assess and collect the same at once through the district clerk and treasurer. All such special taxes may still be voted, but will be collected as other taxes are. In the meantime, money may be borrowed to the amount of the tax.

By section 475, a school-district is authorized to make a loan of money to aid in the erection of a school-house. Loans can also be made at the present time, from the trust funds of the state, under section 261 of the revised statutes. Such loans can usually be more conveniently paid by installments. Although the inhabitants of the district may, by resolution, declare their *intention* to raise a certain amount annually for two or more years, yet the action of the meeting is limited to one of the installments, and it requires the action of the district at a subsequent meeting to raise another installment. Money cannot be borrowed, under section 475, for any other purpose than "to aid in the erection of a school-house."

12. To authorize the district board to admit to the privileges of the school, persons over twenty years of age, and persons not residing in the district, whenever such admission will not interfere with the accommodation instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter, or year, to be charged to the persons thus admitted.

The vote of the district is to *authorize* the board to admit the persons mentioned to the school. The consent of the board should always be signed in writing, and should not be given until the tuition fee has been paid to the district treasurer. No teacher should admit a non-resident pupil into his school without express authority conveyed in writ-

ing. It is sometimes difficult for the district board to determine the liability of inhabitants for the tuition of persons in their employment or under their protection. Crowding into a district in which a superior school is maintained, to enjoy its advantages free of cost, under plea of having residence as an employe in a family, is an abuse that needs sometimes to be corrected.

The tuition fee may with propriety be made merely nominal, however, to such persons as are residents of other districts, but who are tax-payers in the district where they desire to send to school, *provided* their distance be such as to preclude the possibility of their being attached to the district.

The question of *residence* settles the right to free tuition in any school.

The legal residence of the child is usually with the parent or guardian; but cases frequently arise where the natural or legal guardian provides a residence for a child or ward in a district where the guardian does not reside. Where this is done, not for the purpose of taking advantage of school facilities, but for the purpose of a *home*, the child should be enumerated in such district where he resides, and be accorded free tuition in the school. See remarks on section 462.

An orphan without guardian takes his residence with him wherever he goes.

In all doubtful cases the board is authorized to exercise its powers liberally as regards a child having its home in the district and nowhere else. It is not for the public good that any child should grow up uneducated.

The district board has no authority to admit non-resident children into the school contrary to the vote of the district, nor has it authority to exclude them after a vote of the inhabitants to admit them. It is the duty of the board, in this matter to carry into effect the instructions of the district.

It will be seen that the board has power under section 439 to admit persons between 20 and 30 years of age to the schools in certain cases. This power is commented upon in the proper place.



The teacher has no authority in the matter of admitting or excluding non-residents, but will be governed by the instructions of the board.

13. To authorize the district board to purchase text-books for use in public schools, to be loaned or furnished pupils under such conditions as, by such vote and regulations of the board thereunder, may be prescribed.

This subdivision takes the place of chapter 315, of the general laws of 1875, and it is important that every district should avail itself of the privilege here given, as a means of great convenience in insuring a timely and uniform supply of school books, and as a measure of economy. To this end, the board, having determined under section 440 what text-books shall be used, should bring the matter of purchase by the district before each annual meeting, having first carefully estimated how many of each kind will be wanted for the ensuing year.

It should be remembered, however, that while the board has power to adopt, it has no power to purchase books, unless authorized by the district. Being thus authorized, the board should not undertake to bind the district to purchase, at certain rates, for a series of years. Books once adopted must be used for three years, without change; but the district may not continue the policy of district purchase more than one year. Hence the caution not to enter into any agreement that the *district* shall buy the books for more than one year. Proposals of agents to contract for a series of years should not be listened to, because such contracts are not warranted by the school laws.

District boards are cautioned against purchasing books or school apparatus of traveling agents, unless they are known to be reliable; especially against having anything to do with agents who call upon individual members of the board, and pretend that they have seen the other members and obtained their consent to certain purchases. A board cannot legally purchase books, unless they have first been authorized and directed to purchase, by the district, and there must first of all have been an act of adoption of the books, by the board. A school board can do no business lawfully as a board, unless a legal meeting is called and held.



An honest agent, while he may submit reasons to a board for adopting certain books, will not attempt to induce them to make any purchases or orders, until so authorized by the district. Until then, section 501, stands in the way.

14. To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than six months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the school fund income, and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall determine the same.

The number of days during which a school must be taught, to meet the requirements of the law in regard to the apportionment of school money, is one hundred and twenty, and this number includes legal holidays, viz., New Year's day, the twenty-second of February, the thirtieth day of May (Decoration day), the fourth of July, the day of general (or fall) election, and Christmas, together with days of fasting or thanksgiving appointed by state or national authority.

If the matters enumerated in the fourteenth subdivision are not determined by the annual meeting, the district board must determine the same; but the inhabitants, at a special district meeting, are authorized by section 427 "to transact the same business as at the first and each annual meeting, except the election of officers." When the district has determined the length of the school (being not less than six months), the sex of the teacher or teachers, and the application to be made of the school moneys, the board have no discretion, but must carry out the vote of the district. In case they find it impracticable to do so in any particular, the remedy is a special meeting, to give them further instructions.

15. To give such direction and make such provision as may be necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or may be interested.

The district may appoint any suitable person to represent them in a suit; but in the absence of such appointment, the

director is constituted the representative of the district in all suits. See section 442 and the comment thereon.

16. At the annual meeting only, to vote a tax to compensate the clerk, which, in districts supporting graded and high schools, shall be such sum as may be voted, and in other districts not more than ten nor less than five dollars.

This subdivision embodies chapter 91, laws of 1876. It authorizes the district to vote compensation to the clerk, but not to the director or treasurer. The vote can be taken only at the annual meeting, and is operative for one year only, unless renewed.

17. To alter, repeal and modify their proceedings as occasion may require.

The power to repeal proceedings cannot be exercised after they have been carried into effect, so that rights have been acquired under them. When the district board has made a contract under authority of the district, the repeal of the resolution authorizing such contract will not rescind the contract. The district can modify or repeal the contract only after securing a release of damages from all the parties who have acquired any rights of action.

A district can repeal a resolution to raise a tax, at any time before the warrant to collect the tax is handed to the collector; but this power cannot be exercised after part of the tax has been collected (*Gale vs. Mead*, 4 Hill; *Smith vs. Dillingham*, 4 Barbour). It is advisable that resolutions should be repealed in express terms, when such is the intention, and not by implication.

When a resolution is to be repealed at the meeting at which it was passed, it is usually done by a motion to reconsider. The general rule is that a motion to reconsider can only be made by a person who voted with the majority on the question the reconsideration of which is proposed; and this rule is a proper one for the chairman of the meeting to observe; but, if on appeal from the decision of the chairman, the majority of the meeting choose to disregard the rule, it may be set aside. The usual rules governing legislative bodies are not binding upon district meetings, unless such meetings adopt such rules. Any resolution directly or necessarily repugnant to a previous one, repeals it; and the

rule, as laid down (3 Howard, U. S. R., 636) is that if a subsequent statute be not repugnant in all its provisions to a prior one, yet if the latter statute was clearly intended to prescribe the only rule that should govern in the case provided for, it repeals the prior one.

The repeal of a repealing statute does not revive the original enactment.

Officers elected at an annual meeting cannot be displaced by reconsidering or rescinding former proceedings at an adjourned meeting. When an election has been held in due form, the elective power of the district is exhausted, and the officers chosen at the annual meeting are the legal officers of the district, until by death, resignation, removal from the district, expiration of term, refusal to serve, or removal from office, a vacancy occurs proper to be filled by election or appointment. And when a person entitled to hold office has been elected, and has not refused to serve, there is no power to take it from him or debar him from assuming his duties.

## II. DISTRICT OFFICERS AND BOARD.

SECTION 431. The officers of each school-district shall be a director, treasurer, and clerk, who shall be residents of the district, and shall hold their respective offices for three years, and until their successors have been chosen or appointed, but not beyond ten days beyond the expiration of their term of office, without being again elected or appointed; *provided*, that at the first election of such officers, in any newly organized district, the clerk shall be chosen for one year, the treasurer for two years, and the director for three years; and thereafter, each officer shall be chosen for three years. Any person present at a school-district meeting, at which he shall be elected one of the district board, shall be deemed to be notified thereof; and any person so elected and not present, shall be notified thereof by the clerk of said meeting, within five days thereafter; and unless each person elected and notified shall, within ten days after his election, file with the clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same.\*

Comments upon the mode of electing district officers, and upon what constitutes an election, are made under subdivis-

\* See Form No. 16.

ion 3, of section 430. See also the comment immediately preceding the section now under consideration — 431.

In reckoning the terms of district officers, the time from the first meeting of a legally organized district to the first annual meeting, no matter how short that may be, *is to be considered a year*, because all subsequent elections must be at the time fixed for the annual meeting; hence, at the first *annual* meeting of a newly organized district, a new clerk will be elected for the term of three years; at the second annual meeting, a treasurer is to be elected for three years; and at the third annual meeting, a director is to be elected for three years. Thereafter, one officer only is to be elected at each annual meeting, for the term of three years, and in the following order: clerk, treasurer, director. It may sometimes be necessary, however, to elect one, or even two, officers, to serve out an unexpired term, in addition to the officer elected for a full term.

By reference to a provision added to section 443, in 1879, it will be seen that it restricts a district in the election of a treasurer. It is not probable that attempts are often made to give the office of treasurer to the director or clerk of the district. The act forbids such action, and likewise forbids that the teacher shall hold the office of treasurer in the same district. It does not by any means follow from this last prohibition, that it is now proper or allowable to employ the clerk or director to teach the school. This is against public policy, and is very likely to breed difficulty or dissatisfaction. See comments on section 438.

The question sometimes arises whether it is proper to elect persons as district officers who are not citizens. As there is no statutory provision on the subject, a decision of the supreme court is given. In the case of *Off vs. Smith* (14 Wis., 497), it was held that "it is an acknowledged principle which lies at the foundation [of popular governments] and the enforcement of which needs neither the aid of statutory or constitutional enactments or restrictions, that the government is instituted by the citizens for their liberty and protection, and that it is to be administered and its powers



and functions exercised only by *them*, and through their agency."

On the other hand it may be held, in regard to persons who have declared their intention to become citizens, that as they are permitted to vote, they are eligible to district offices, if it is desired to elect them. But it is not allowed by the statute to elect a non-resident of the district to a district office.

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Under section 513, any woman of twenty-one years of age and upwards may be elected or appointed a school officer, ~~but this does not confer upon women the right to vote at school meeting.~~

Officers elected at the first meeting of any district are required to file written acceptances, but at the annual meetings succeeding, written acceptances are not required. However, persons not present at an annual meeting must be notified if elected to office; and, unless a person who has been notified of an election, shall, within ten days after his election, file with the clerk his refusal to serve, he shall be deemed to have accepted the office. A verbal refusal to serve, or inattention to the duties of the office does not create a vacancy. A person elected should therefore serve, or signify his refusal to serve in a legal way, and within the legal time.

Subdivision 8, of section 961 of the revised statutes, directs that the resignation of a district officer shall be to the district board.

If a district officer intends to be long absent from the district, without removing his residence, he should resign, that some person may be appointed in his place. Otherwise, there being no power to appoint until there is a vacancy, the district may suffer great inconvenience.

#### THE DISTRICT BOARD.

SECTION 432. The director, treasurer and clerk shall constitute the district board. Meetings of the board may be called by any two members thereof by serving on the other member a written notice of the time and place of such meeting, at least twenty-four hours before such meeting is to take place. No act authorized to be done by the district board shall be valid, unless voted at a meeting of the board.



It will be seen by this section that the powers conferred by law upon the district board must be exercised by the board meeting and deliberating at the same time and place, and not by one or two forming a determination and obtaining the assent of the absent. The decision of a majority at a meeting properly convened, is the decision of the board, but the decision of a majority, or even of all three, under other circumstances, is not the decision of the board. It is merely the concurrent opinion of the members of the board, and is no more the *decision* of the board than the concurrent opinion of the members of the legislature, arrived at by taking their separate votes at their respective homes, would be an act of the legislature. The law supposes that a majority may be convinced by a minority and change its determination, and therefore will not allow the majority to act without giving the minority due notice to participate.

It is held in 16 Maine R., 185, that the dismissal of a teacher by two, a majority of the board, was illegal, because the third was not notified, although he was out of town. The court say, "that does not allow the majority to dispense with the rule requiring notice. They are not in such cases constituted the judges whether the notice would be effectual to secure his attendance. Nor would it be entirely safe to entrust them with such a power, as it would afford an opportunity to select an occasion when they might judge that a notice would be ineffectual, and thus, by neglecting to give it, free themselves from the presence of a dissenting minority. It may often happen that those will be able to attend, who were believed to be so situated that their attendance could not be expected. Nor is there any difficulty in giving the requisite notice in such cases, as one left at the usual place of residence would be sufficient."

It has long been held by the Department of Public Instruction that there must be a meeting of the board called, in order to any lawful action. This section now expressly provides that no act of the board "shall be valid, unless voted at a meeting of the board," and the amendment of 1875, which recognized the sufficiency of accidental meetings in certain cases, is expunged.

A single member of the board may be authorized to carry out a vote or determination of the board, such as making a purchase, engaging work to be done, etc.

SECTION 433. The said board shall have power to fill by appointment any vacancy that may occur in their own number, within ten days after such vacancy shall occur; and if such vacancy shall not be filled within ten days as aforesaid, by said board, the town clerk shall fill such vacancy by appointment. In case a vacancy shall occur in a joint district, and shall not be filled by the district board, the clerk of the town in which the school-house is situated, shall fill said vacancy. Any person appointed to fill a vacancy, upon being notified of such appointment, shall be deemed to have accepted the same unless he shall, within five days thereafter, file with the clerk or director a written refusal to serve; and any person appointed to fill a vacancy shall hold the office until the annual meeting succeeding such appointment, at which the electors shall fill such vacancy for the unexpired term.\*

Vacancies may occur from expiration of term of service, and failure to elect a successor, refusal to serve, removal from the district, resignation of office, and removal from office by the county judge; or, in case of a treasurer, from neglect to file a bond, as required by law, or through removal by the governor.

The power of the district board to fill a vacancy continues but ten days; if they do not fill it in that time, the duty devolves upon the town clerk. But neither the board nor the town clerk is authorized to act judicially, and set aside an election, where an officer is deemed to have been elected illegally. Such person having been declared elected, and entering upon the office, will be held to be an officer *de facto*, until the illegality of his election is determined by competent authority.

In other cases the board or the town clerk, before making an appointment, must of necessity decide in view of the facts that a vacancy exists, and in the order making the appointment, the facts which have caused the vacancy should be stated.

In case of expiration of a term of service, and no election to fill the vacancy, it is to be understood that the term does

\*See Forms Nos. 17, 18 and 19.

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not actually expire until ten days after the annual meeting. The board then has power, for ten days to fill the vacancy, and the town clerk has therefore no power to fill it until twenty days after the annual meeting.

In case of a single vacancy in the district board, those in office possess all the powers of a full board for the purpose of filling such vacancy, but if two vacancies exist at the same time, the remaining member cannot fill them. It must be done by the town clerk.

A person should not be re-appointed who refuses to serve, or whose resignation has been accepted. The statute regards the penalty for refusing to serve as an equivalent for the service. (See section 500.)

It will be noted that in case of vacancy in a joint district, requiring to be filled by the town clerk, it is to be done by the clerk of the town in which the school-house is situated.

In case of appointment, the term of office of the appointee expires at the next annual meeting, and if a successor is not then elected, the incumbent cannot hold the office more than ten days after the annual meeting. It then becomes the duty of the board to fill such vacancy, and if they neglect to fill it, this duty devolves on the town clerk.

SECTION 434. The district board, in their corporate name, shall purchase or lease such a site for a school-house as shall have been designated by the district, and shall build, hire, or purchase a school-house out of the funds provided for that purpose, and when required, make sale of any school-house, site, or other property belonging to the district, and if necessary, execute a conveyance of the same, in their name of office, when lawfully directed by the qualified electors of such district, at any annual or special meeting.

### *Chapter 190, Laws of 1885.*

SECTION 1. All churches, public and private school-houses, hotels, factories, or other manufacturing establishments, constructed at any time after the passage of this act, shall be so constructed that the doors shall swing outward, or both in and out, as the builders thereof may elect.

A school-district is a corporate body, and as such has perpetual succession and existence in its corporate name, and the capacity to hold real and personal estate for its corporate purposes. It possesses this power as a legal body wholly

distinct from the individuals which from time to time compose it. The district can act as a corporation only through its officers. The power to purchase or lease a site for a school-house, or to build, hire, or purchase a school-house, or to sell any school-house, site, or other property, belongs exclusively to the district board. It is often the case that a building committee is appointed by the district to superintend the erection of a school-house. Although the law contemplates no such committee, yet so far as it can aid the board by its advice and service in carrying out the wishes of the people of the district, there can be no objection to it. But the district board alone has power to bind the district by a contract, written or verbal, and the district has no power to supersede them by appointing a building committee, or any other agents. The district may, however, through a committee, procure plans and specifications for a school-house, and may select such a plan as is deemed suitable, and limit the power of the district board to making a contract for erecting a house according to the plans and specifications adopted.

This is the only way of controlling the district board. It rests with the board to accept or reject the work, unless the people, in district meeting, have appointed or provided for the appointment of other arbiters. This may be done by directing it to be inserted in the contract with the builder, that the sufficiency of the materials and workmanship under the contract shall be determined by persons named in the resolution.

A stringent contract, which in all cases should be in writing, with proper provisions for the adjustment of any questions that may arise under it, will relieve the district board from much personal responsibility and trouble, as well as prevent quarrels and perhaps litigation, which are in any event injurious.

The inhabitants of a district, assembled in district meeting, should give plain and specific instructions to the district board in regard to the matters referred to in this section. All votes relating to purchase or sale of site, school-house, or other district property, should be taken by



ayes and noes, and all proceedings should be entered at length upon the record book of the district.

SECTION 435. The district board shall have the care and keeping of the school-house, books, apparatus, and all other property whatsoever belonging to the district, except that especially confided by law to the clerk, and they shall annually make an inventory thereof before each annual district meeting, and deposit the same with the clerk of the district; they shall keep the school-house in good condition and repair, and provide all necessary appendages during the time a school shall be taught therein. They may grant leave to any responsible inhabitant or inhabitants of the district applying therefor, to occupy the school-house for such public meetings as will, in the judgment of the board, aid in disseminating intelligence and good morals; any such licensee, and if the school-house be so occupied without there being such responsible licensee answerable, then the district board shall be personally liable to the district for any injury done to any property and for any expense whatever incurred by, at, or in consequence of any such use of the school-house.

The board has exclusive control of the property of the district, including the school-house, unless it shall be especially confided to the care of the clerk. In either case, it is important that the trust be faithfully discharged—that the furniture, books, fences, grounds, out-houses, etc., be carefully looked after. It will be convenient to devolve this care especially upon the clerk, as he has, or may have a salary.

That the district may be kept apprised of the nature and condition of its property, the law requires the board to make an annual inventory of the same, and deposit it with the clerk. This should be done before the annual meeting, and the inventory produced when called for.

It is also the duty of the board to provide the necessary appendages for the school-house, without waiting for instructions so to do from the people of the district. They are also required to keep the school-house in good condition and repair during the time a school shall be taught therein. This duty should be promptly and efficiently performed. Under this section, the board has power to cause to be built suitable out-houses, and to provide blackboards, etc., necessary to the successful management of the school.



In the discretion confided to the board under this section, they should distinguish between things necessary and things unnecessary, though perhaps desirable. A stove is a necessity; an organ is not so.

It has long been customary to allow school-houses to be used, at proper times, for religious, literary, and other meetings; and so long as no injury is done to the property, and no detriment arises to the school from such use of the school-house, it is unobjectionable. It is often the only place in the neighborhood in which any kind of public meeting can be held, and the board will not usually be blamed for allowing a discreet use to be made of the building. They are authorized to do this, as the law stands, but as a matter of prudence, may, if they prefer, grant the leave only to some responsible inhabitant, who is to be answerable for the proper care of the house, etc. If there is no such person made responsible, the board becomes personally liable to the district, if the use of the house is allowed. If a majority of the tax-payers are opposed to having the school-house used for any other than school purposes, it may be better for the board not to allow it to be opened.

*As amended by Chapter 93, Laws of 1885.*

SECTION 436. The said board shall have power to purchase a record book and such other books, blanks and stationery as may be necessary to keep a record of the proceedings of the district meetings, and the account of the treasurer, and for doing the business of the district in an orderly manner, and such maps, charts, globes and school apparatus as have been or may be approved as suitable for use of the schools, by the state superintendent or by the county superintendent of the county, not exceeding seventy-five dollars in value in any one year, and such school books as in their judgment may be necessary for the use of any children attending in their district, whose parents and guardians may not be able to furnish the same. All such purchases shall be unanimously approved at a regular meeting of said board, at which all the members thereof shall be present. The district board shall keep an accurate account of all expenses incurred by them under the provisions of this section, and present an itemized statement of the purchases to the annual school district meeting.

This section embraces portions of sections 48, 49 and 51 of the former school codes. It authorizes the board to purchase such books, blanks and stationery as may be needed, and to purchase apparatus to an amount not exceeding \$75 in value in one year; also school books for the children of indigent parents. All these purchases must be approved by all the board, at a meeting at which all are present. If these conditions are not observed, accounts for expenses incurred may not be allowed by the district, and the members of the board purchasing illegally may become personally liable for purchases made.

If the board is authorized to purchase books for the whole district, as provided in section 430, subdivision 13, no separate purchase for indigent children will be needed.

The apparatus most likely to be useful in the public schools is:

1. Reading charts, phonetic charts, reading frames or cases, writing spellers.
2. Writing charts, drawing charts, drawing books.
3. Numeral frames, arithmetical charts, arithmetical frames, cube root blocks, geometrical forms.
4. Outline maps, especially a map of Wisconsin, a map of the United States, and a map of the world; also globes and map drawing scales.
5. Charts illustrating natural history, physiology and natural science, including color charts.
6. Blackboards, clock, call bell, thermometer, microscope, magnet.

In purchasing, school boards would do well to deal directly with the houses which make a business of furnishing school apparatus. To this end correspondence may be opened with them and circulars and price lists obtained. It is suggested that school boards first select and recommend the purchase of the simpler and more necessary apparatus of which the district may be destitute.

When anything is purchased, measures should be taken at once for its preservation, and to this end a case or closet with shelves is needed, which should be under lock and key. It will be useful to take the advice of the county superin-

tendent, and of experienced teachers in making a choice of articles. The county superintendents are authorized by law to approve such apparatus as in their judgment is best suited to the schools.

The caution against purchasing, unless a meeting of the board is duly called and held, and the board has authorized a purchase, by the unanimous vote of all members, is repeated.

*As amended by Chapter 124, Laws of 1885.*

SECTION 437. If any district shall not, at its annual meeting, or at a subsequent special meeting, prior to the third Monday of November following, vote a tax sufficient to maintain a school in said district for the term of six months during the ensuing year, the district board shall then, on or before the Wednesday next following said third Monday of November, estimate and determine the sum necessary to be raised to maintain such school, and the district clerk shall forthwith certify to the town clerk the amount so fixed, who shall assess the same as other district taxes are assessed, and all school money received from the school fund income shall be applied exclusively to the payment of teachers' wages.

This section was a part of section 19 (subdivision 6) of the former codes, before the revision of the statutes.

While the law has restrained districts, on the one hand, from voting excessive taxes, it has also provided a security against the parsimony or negligence that would sometimes fail to open schools at all, or that would open them for an insufficient period. Six months' school in each year is the smallest amount that entitles a district to share in the income of the school fund. Not to provide for at least this amount, is a wrong to the children deprived, and an injury to the public good. The district board are therefore charged with the duty of making this provision, if it is not done by the district. The neglect to do this is punishable by fine, or the members of the board may be removed from office on complaint of such neglect (section 507).

SECTION 438. The district board shall contract with and hire duly qualified teachers in the name of the district, and the contract made shall specify the wages per week, month, or year, to be paid, and when completed, shall be filed in the office of the district clerk, with a copy of the certificate of the teacher so employed attached thereto, and a copy of

such contract shall be furnished by the clerk to the teacher. No contract with any person not holding a diploma or certificate then authorizing him to teach shall be valid; and all such contracts shall terminate if the authority given to teach shall expire by limitation and shall not be renewed, or if it shall be revoked.\*

The duty here devolved upon the district board, like any other act performed by them, must be preceded by a regular meeting, as provided for in section 432. The comments upon that section are referred to in this connection.

Two of the board may be in favor of hiring a certain teacher, and may think that because they are a majority, there is no need of a meeting to consider the subject. But each member of the board has an equal right to be heard. Two of the board have no right to assume that the other member may not be able to give good reasons for hiring some other person than their candidate. Common courtesy as well as the law requires a meeting for deliberation.

In negotiating for a teacher, the board should first of all ascertain that the person is legally "qualified." The only sufficient evidence of this is an unexpired certificate from the proper superintendent. If the county be divided into two superintendent districts, the certificate must be from the superintendent of that division of the county in which the school is to be taught. If not, it is invalid. In case of a joint district, not wholly within the jurisdiction of one superintendent, the certificate should be from the superintendent within whose jurisdiction the school-house is situated. A certificate has no validity or force beyond the county or jurisdiction within which it is given, although "indorsed" by some other superintendent. If the legislature had intended that the certificate of one superintendent might be *adopted* (by indorsement) by another, it would have so provided.

An understanding may be had with a teacher who is awaiting examination, but a contract with a person who holds no certificate is not only void, but a fraud upon the district. If a teacher's certificate will expire during the

\* See Form No. 21.



term of school, care must be taken that it be renewed in season. It is better that the certificate be renewed before the school begins.

The contract is of no force unless signed by at least two members of the board. It is better that it be signed by all, as harmony of action in this matter is very important to the prosperity of the school and the welfare of the district.

There is no authority for making a contract whereby the teacher engages to board with the parents of the children. It cannot be enforced on the inhabitants. The best arrangement is to give the teacher a specific sum, and let him board himself.

The amount of the compensation to be paid to teachers is within the discretion of the board. The inhabitants have no legal power to control district officers in this respect, nor in the selection of individuals to be employed, though the board would act unwisely in disregarding the preferences and wishes of the people, when reasonable and just.

There is little probability that school officers will make the compensation too high. The wages of good teachers are generally quite inadequate. To employ a poor teacher at any price is wretched economy.

A teacher, having been legally employed, cannot properly be dismissed without some violation of the contract on his part, during the time for which it was to continue, unless his certificate of qualification is annulled by competent authority. If the board discharge a teacher on the ground that he has failed to fulfill his contract, of course it takes the risk of being able to prove such failure, in case the teacher claims damages, or demands his wages for the whole time for which he was engaged.

The employment of any member of the district board to teach the school is not strictly forbidden by statute; nevertheless, it must be considered illegal, because against public policy; and a contract by a majority of the board with one of their own number, could not be enforced (*Pickett vs. District No. 1, 25 Wisconsin, 551*).

But even if such a contract were legal, the fact that the teacher is one of the board naturally excites a suspicion that



he may have been able to make a contract more advantageous to himself, and less so to the district, than if some other person had been employed. Those who hold public trust should carefully avoid putting themselves into situations where their private interests may conflict with an impartial discharge of their public duties. If for any reason it is deemed desirable that a member of the board should teach the school, let him resign, obtain his certificate, and enter into contract with the full board.

Similar remarks apply to the practice of employing as a teacher any near relative of a member of the district board. If the other members of the board and the people of the district desire it, it may be proper; but in many and perhaps in most instances, it breeds dissatisfaction, and often creates serious trouble.

As districts annually vote taxes, elect at least one new member of the board, and determine, if they choose, upon the sex of the teachers that shall be employed, contracts with teachers to extend beyond the close of the school year are not binding upon the district or upon the incoming board (16 Wis., 33). But if such contract be allowed to stand, the district will be liable for services rendered under it.

The teacher should see that the board have acted legally before making any arrangement with them. To this end, he should know what is legal action on their part. It is quite proper for the county superintendent, at all examinations, to explain the law clearly as to contracts, especially to young and inexperienced teachers.

The only safe course for a teacher to pursue, is first to secure a certificate. This done, to obtain a legal contract in writing, and not rest satisfied with a verbal promise of the school, from some member of the board. This promise may not be kept, and may be incapable of proof.

The law will protect qualified teachers, who contract in good faith, and are allowed to go on and fulfill the contract, although the board has not acted legally, or although the persons signing the contract, or some of them were not authorized to do so. It was held by the supreme court of New York (15 Barb., 323), "that where a person is employed for

a corporation by one assuming to act in its behalf, and renders services according to the agreement, with the knowledge of its officers, and without objection on their part, or notice that the contract is not recognized, such corporation will be held to have sanctioned the contract, and will be compelled to pay for the services according to the agreement;  
 \* \* but when the contract is still executory and nothing has been done under it, and the action is to recover damages merely for non-performance, it is for the plaintiff to show a legal contract binding upon the corporation."

SECTION 439. The board shall have power to make all needful rules for the government of the schools established in the district, such rules to take effect when a copy of the same, signed by a majority of the board, shall be filed with the clerk; to suspend any pupil from the privileges of the school for non-compliance with the rules established by them, or by the teachers with their consent; to expel from school any pupil who shall persistently refuse or neglect to obey the rules above mentioned, whenever, upon due examination, they shall become satisfied that the interests of the school shall demand such expulsion; and to admit any person between twenty and thirty years of age, residing in the district, to any public school under their control, free of tuition, when, in their judgment, it will not interfere with the pupils of school age therein.

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The rules and regulations adopted by the district board should be recorded in their minutes, and a copy thereof should be posted in the school room. The rules should be such as the good of the school seems to require. They should be comprehensible and reasonable. They should be so framed as to *aid* the teacher rather than to *supplant* him.

The district board have full authority to organize, regulate, grade and classify the school, but in all matters of this kind they will act under the advice, and, so far as practicable, with the consent of the teacher. The teacher, in the school room, is the *executive* officer of the board. He must govern the school under the law, and according to such rules as are made in accordance therewith. The rules and regulations made by the board must guide him until they are set aside by competent authority.

The board have authority to suspend any pupil from the privileges of the school for non-compliance with the rules

established by them, or by the teacher, with their consent. The right to attend a common school is a common, not an exclusive or personal right. The supreme court of Massachusetts (8 Cush., Mass. R., 164) says, in reference to the right, "like other common rights (that of way, for instance), it must be exercised under such limitations and restrictions that it shall not interfere with the equal and co-extensive rights of others. Take the case of a contagious disease, can it be doubted that the presence of a pupil could be lawfully prohibited, not for any fault, or crime, or wrong conduct, but simply because his attempt to insist on his right to attend under such circumstances would be dangerous and noxious, and so an interruption to the equal and common right?" In the same case the court held that school officers have the right to exclude a child for open, gross immorality, manifested by licentious language, manners and habits, though not manifested by acts of licentiousness or immorality within the school; for, says the court, "it is as necessary in the unreserved intercourse of pupils of the same school, as well without as within its precincts, to preserve the pure minded, ingenuous, and unsuspecting children of both sexes from the contaminating influences of those of depraved sentiments and vicious propensities and habits, as from those infected with contagious diseases."

While there can be no doubt that the board have the power to exclude a child, not for punishment merely, but for the protection of others from vicious influences that would defeat the object for which the school is organized, yet we are not to forget that humanity dictates that we deal gently with erring children. Education seeks to deter from vice, and also to reclaim those who have become vicious through parental neglect or parental example. Remonstrance and persuasion must be exhausted before suspension from school can be justified. Expulsion from school is justified only by such insubordination on the part of the pupil as to render it impossible to maintain order and discipline without excluding him. The district board should, however, exercise this power only after earnest effort to avoid a resort to it. Teachers are not without infirmities, and their calling sometimes aggravates

them; and it is the duty of the board to know that there has been no oppressive exercise of power leading to the insubordination which is made the occasion of a punishment so severe. Power must always be tempered with benignity, and justice must be administered in the spirit of mercy.

In case the board neglects to make and establish rules, as provided for in this section, the teacher is not therefore inhibited from managing and governing the school according to his best judgment, nor can any advantage be taken of the fact that his rules have not been consented to by the board. In case of serious insubordination he should call upon the board to sustain his authority; and when so called upon, the board should be careful not to weaken his authority by criticising his conduct before the school. (45 Wis., 150.)

The opinion which has obtained considerable currency in this state, that teachers are not allowed to punish pupils in school, is unfounded. The opinion in question arose from a misunderstanding of a decision by the Supreme Court (*Morrow vs. Wood*, 35 Wis., 59). This decision was to the effect merely that where a parent directs a child not to take a certain study in school, the teacher cannot lawfully punish the child for not getting lessons in that study. It does not declare punishment in other cases to be unlawful. Nevertheless, corporal punishment should be resorted to only in case of necessity, and should be moderate and judicious.

The Supreme Court held, in the case of *State vs. Burton* (45 Wis., 150), that "in a proper case, and when not deprived of the power by affirmative action of the board, the teacher has the inherent power to suspend a pupil from the privileges of the school; though such suspension should be promptly reported to the board, with the reasons therefor."

The power conferred upon the board to admit persons between twenty and thirty years of age to the school, was first given by chapter 184, of the laws of 1877. Its design was to enable persons deficient in a knowledge of the English language to become more proficient therein. Where no rule concerning admission of this class of pupils has been prescribed at an annual meeting, and no fee for tuition has been fixed by the district under the provisions of section



430, this section authorizes the district board to admit them *free of tuition* when in their judgment it will not interfere with the pupils of school age therein.

*As amended by Chapter 251, Laws of 1883.*

SECTION 440. The district board shall determine what school and text-books shall be used in the several branches taught in the schools; they shall make a list of such books and file one copy with the clerk, and keep one copy posted in the school house. When any such text-books shall have been adopted, they shall not be changed for the term of three years, and no change of text-books shall be made by a school board, unless authorized by a majority vote of the legal voters of a district at a regular annual school meeting, and it is hereby made the duty of the district clerk to embody in his notice of such annual meeting the fact that the question of a change of text-books will be submitted to the meeting.

It is the duty of the board to exercise the power conferred upon them in this section, if they have not done so already. Sudden, sweeping, and uncalled for changes should not be made, but such as are necessary to secure uniformity and the best progress of the school. To perform this duty the board should hold a legal meeting, and determine, by resolution, what school and text-books shall be used, and then, after duly recording the resolution, and posting a copy in the school room, they should see that the books adopted are introduced and used. While the power to select books in the first instance is left by law exclusively in the hands of the district board, it is, nevertheless, proper for them to consult with the best teachers in regard to the subject.

In selecting text-books, all works of a controversial or sectarian tendency should be excluded.

After a series of books, or any single book, map, or chart, card, etc., has been adopted, no other work on the same subject can be substituted for such series, book, map, etc., within three years, but a new book on a new subject of study, may be added to the list at any time. The law does not require that the list should be changed every three years, but it expressly prohibits changes in text-books which have been adopted, until they have been in use three years; and a change cannot then be made, unless authorized by a ma-



jority vote of the legal voters of the district at a regular annual school meeting. Notice that the question of a change of text-books will be submitted to the meeting must be embodied in the notice for the annual meeting by the clerk. This provision affects only those districts which hold annual meetings, and elect district boards. Where schools are managed by boards of education proposed changes must be approved by the common council or board of aldermen. See section 514.

For any violation of this provision, a fine of \$50 may be imposed, as provided in section 503.

SECTION 441. The district board shall visit the school under their care, examine into the condition thereof, and the progress of the pupils, advise and consult with the teachers in reference to the method of instruction, management, and government, and exercise such general supervision as is necessary to carry out the provisions of this chapter.

A careful performance of the duty imposed by this section would increase the efficiency of our schools. The members of the district board should visit the school frequently. These visits should be informal, and should be marked by courtesy towards the teacher, and kindness towards the pupils; but classes should be examined, and the management of the school should be carefully observed. An arrangement that will enable the members of the board to visit the school in turn, and that will secure a report in writing from each person visiting it, is very desirable.

The board should also invite competent and prudent persons to examine the school, and to report to them in writing the result of such examination. No business can be successfully conducted without faithful and intelligent supervision. This obvious rule is especially applicable to educational affairs.

#### COMPULSORY EDUCATION.

As the law upon this subject, passed at the session of 1879, devolves certain duties upon the school board, it is inserted in this place, with such comments as are needed. Section 2 of this act was amended by chapter 298, laws of 1882, and the section as thus amended, is given here.

*Chapter 121, Laws of 1879.*

AN ACT to secure to children the benefit of an elementary education.

SECTION 1. Every parent, guardian, or other person, in the state of Wisconsin, having charge or control of any child or children between the ages of seven and fifteen years, shall be required to send such child or children to a public or private school, for at least twelve weeks in each school year, commencing on the first day of September, in the year one thousand eight hundred and seventy-nine, unless the school-district board, or board of education of the school-district, village, or city in which such parent or guardian shall reside, shall excuse, by physician's certificate, or other good reason, such child from attendance, on its being shown, to their satisfaction, that the child's bodily or mental condition is such as to prevent its attendance at school, or application to study for the time required, or that its time and labor are essentially necessary for the support of an indigent parent, brother, or sister, or that such child is being otherwise furnished with the means of education for a like period of time, or has already acquired a fair knowledge of the branches of learning ordinarily taught in the common schools of this state; *provided*, that in case the public school in the district in which such parent or guardian resides, shall be distant more than two miles from his residence, by the nearest traveled road, he shall not be liable to the provisions of this act.

SECTION 2. The school board, or the board of education, after having given notice, as now required by law, for special school meetings, shall meet at the school house in their respective districts, or at some other place to be designated in such notice, on the first Monday of September in each year, or within fifteen days thereafter, for the purpose of hearing causes for the non-attendance upon the public school of all children in such districts between the ages of seven and fifteen years, and all parents, guardians or other persons having charge of such children, shall appear and show cause for such non-attendance; and if such parent, guardian or other person shall claim exemption from this act on the ground that his child or ward has attended some other school than the public school of such district, he shall file with the clerk a written statement, showing what school such child or ward attended, and the number of days of such attendance within the year ending on the 31st day of August next preceding, and the district clerk at such meeting shall make a list of all children residing in the district who have not attended the public school for the time required by this chapter; and shall note, opposite the name of each, whether such child is exempt from the provisions of this chapter, and, if exempt, the cause for such exemption.

SECTION 3. Such school books as may be necessary shall be furnished for the children contemplated in this act, in the manner and under the conditions provided for in section four hundred and thirty-six of the revised statutes.

SECTION 4. In case any parent, guardian, or other person shall fail to comply with the provisions of this act, said parent, guardian, or other person shall be liable to a fine of not less than five nor more than ten dollars for the first offense, nor less than ten nor more than thirty dollars for each and every subsequent offense. Such fine shall be collected by the school district director or president of the board of education in the district, village, or city in which the offense is committed, in the name of the state of Wisconsin, in an action before any justice of the peace, or any court having competent jurisdiction. And the fine so collected shall be paid into the school fund.

SECTION 5. It shall be the duty of the director of any school-district, or president of the board of education of any incorporated village or city, to prosecute any offense occurring under this act, and such person neglecting to prosecute for such fine within fifteen days after a written notice has been served on him by any qualified elector or tax payer within the district, village, or city in which the offending party shall reside, shall be liable to a fine of not less than ten nor more than twenty dollars for each offense; such fine to be collected in the name of the state of Wisconsin in an action before a justice of the peace or any court of competent jurisdiction, by any person feeling aggrieved thereby. Said fine shall be paid to the town, village, or city treasurer, in accordance with section four of this act.

SECTION 6. Two weeks' attendance at half-time or night school, shall be considered within the meaning of this act equivalent to an attendance of one week at a day school.

SECTION 7. This act shall take effect and be in force from and after the first day of September, 1879.

It is not parents or guardians alone who are amenable under this act. Every person having charge of any children between seven and fifteen, must see that they receive the "benefit of an elementary education." As any such person, though not sustaining the relation of parent or guardian to a child, would not be allowed to withhold from it bodily food, so he must not neglect its education. The minimum of twelve weeks' attendance each year upon either a public or private school, is required, or equivalent instruction at home, unless the child has already acquired a reasonable elementary education.

By a private school, is to be understood a school in

which private instruction is given in the elementary branches required to be taught in the public schools. In the public schools, instruction must be given, in all branches, in the English language, it being deemed for the public interest that all children thus have the opportunity to learn this language, as the common language of the country; but the compulsory act does not go so far as to require that every child shall be educated in and through that language. It aims to prevent children from growing up uneducated. The exemptions on account of the health of the child, the need of its labor, or the distance from school, are to be noted.

The duties of the board are, at stated times, to take note of the attendance or non-attendance of children between the ages named, upon public or private schools. As to attendance upon the former, the school register should be a sufficient source of information, but the board will ascertain the facts of each case in such manner as they shall find expedient.

This act requires a meeting of the school board on the first Monday of September, annually, to hear reasons for non-attendance of children in the public school, and a list to be made of all children residing in the district who have not attended school during the preceding year, and a note opposite the name of each child on such list indicating whether the child is exempt from attendance, and if so, for what cause.

That a child, not exempted under section one, should not, at any particular time, be in attendance upon a public or private school, or under instruction at home, would not constitute a violation of the act, to the extent of incurring any penalty, until it should appear that the school year had passed away without the minimum of twelve weeks attendance at school, or equivalent instruction otherwise, required by the law. This point of neglect reached, the parent, guardian, or other person thus failing to comply with the law, becomes liable to the fine named, to be collected by the director, or president of the school board; and such officer neglecting to prosecute violations of the law, himself becomes liable to a fine.



It will be seen that any qualified elector or tax payer in a district may give notice of offenses under the act.

It is to be hoped that there will be little need of the enforcement of the law : that all persons having charge of children will cheerfully comply with its provisions, without coercion. The knowledge that such a law exists, will act as a stimulus to such parents or others as are negligent to do their duty in the matter.

#### DIRECTOR.

SECTION 442. It shall be the duty of the director of each district :

1. To countersign all orders legally drawn by the clerk upon the treasurer of the district.

2. To appear for and on behalf of the district in all actions brought by and against it, when no other direction shall have been lawfully given at a district meeting.

3. To cause an action to be prosecuted in the name of the district, on the treasurer's bond in case of any breach of any condition thereof, and to apply all money when collected to the use of the district as the same should have been applied by the treasurer.

The director is required to countersign orders *legally* drawn, and it is his duty to know that an order presented to him for his signature is drawn in accordance with law, before he affixes his name thereto. The object of this provision of the law is to protect the interests of the district.

By the provisions of subdivision 15 of section 430, the district has power, at any meeting duly called, to give such direction, and make such provision, as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or interested ; and unless some other person is designated to perform the duty, the director is required to bring suit and carry out the will of the meeting. The director has no power under the statutes to bring suit, upon his own motion, in behalf of the district, except in case of breach of the condition of the treasurer's bond. In this case, it is his duty to commence proceedings to protect the interest of the district at once, without waiting for the action of a district meeting.

If an action is commenced against the district, the director



must appear in behalf of the district, without waiting for authority from a district meeting. The district may, however, designate some other person to act as their representative in the defense, if they think it expedient.

#### TREASURER.

*As amended by Chapter 117, Laws of 1879.*

SECTION 443. The treasurer of each district shall, within ten days after his election or appointment, execute to the district, and file with the clerk a bond with sufficient sureties, in double the amount, as nearly as can be ascertained, of all the money to come into his hands as treasurer, during his term of office, conditioned for the faithful discharge of the duties of his office, and approved by the director and clerk. Whenever the director and clerk shall deem the bond of any treasurer insufficient, they shall demand an additional bond with the like condition, in such sum as they shall fix, which shall thereupon be executed, approved, and filed in the manner aforesaid within ten days after such demand. The neglect or refusal to file such bond in either case, shall vacate the office, provided, that no person employed as a school director, clerk, or teacher, shall hold the office of school treasurer in the same district.\*

A neglect to file the bond completed and approved, within ten days, as the law directs, vacates the office. Filing it with the approval of *one* member of the board only, or after the time expires, is of no effect. It is obviously improper for either the director or the clerk to become surety for the treasurer.

The power granted the clerk and director, by this section to require an additional bond, when deemed necessary, should be exercised whenever the interests of the district demand it. No good citizen will regard the exercise of this power as an imputation upon his character. Whenever the security on the bond is not such as the law requires, it is obviously the duty of the treasurer to furnish additional security, and it must be done promptly, within ten days, just as in the original filing of the bond.

When the office is vacated from either of the causes named, the board will appoint a treasurer, who will be subject to the same conditions, and possess the same powers as if elected to the office.

\* See Forms Nos. 22 and 23.

The provision at the end of the section is an amendment made by the legislature of 1879. It would more appropriately have been added to section 431. It is referred to and commented upon in connection with that section.

SECTION 444. The treasurer of each school-district shall apply for and receive from the town treasurer all school money apportioned to the district or collected for the same by said town treasurer, and pay all money received by him on the order of the clerk, countersigned by the director, and not otherwise. He shall keep a book in which he shall enter all the money received and disbursed by him, specifying particularly the sources from which the same has been received, the persons to whom, and the object for which the same has been paid, and shall afford the clerk access thereto, when desired, to enable him to make his annual school report. He shall present to each annual meeting, a report in writing, containing a statement of all moneys received by him during the preceding year, and of each item of disbursement made by him, and exhibit the voucher therefor. At the close of his term of office, he shall settle with the district board, and deliver to his successor said book and all vouchers, orders, and papers coming into his hands as treasurer, together with all money remaining in his hands as such treasurer.

The district treasurer can ascertain the amount of money to which his district is entitled, by examining the certificate of apportionment on file in the town treasurer's office, which that officer receives from the town clerk. The district treasurer should pay all legal orders in the order of presentation, when no special direction appears upon the order to the contrary.

The law now requires the treasurer to give the clerk access to his books, in making his report.

It is a duty which the treasurer owes to himself, as well as to his district, to keep an accurate record of his accounts, so as to be able to present a clear and satisfactory statement of the transactions of the year. The account required to be kept by him, may be a simple cash account, in which the treasurer *personally*, and in his individual name is charged with all school moneys received by him, and credited with each payment, specifying the date, the person to whom and the account on which it was made. It is convenient and will conduce to accuracy to number each credit consecu-

tively, and to affix the same number to the order to be produced in proof of payment, and in support of such payment. This account should be kept in a book well bound, and a transcript of such account should be made, and with the proper vouchers, presented to the annual meeting. This transcript should be examined by a committee appointed by the meeting, and should be endorsed by said committee as having been examined and found correct, if the committee find it regular in all respects. When at the close of his term of office, he settles with the district board as required by law, the board should enter, upon the original account in the blank book, their certificate that they have examined such account up to and including the last preceding entry, (giving its date) and the vouchers therefor, and that they find the same correct.

It is deemed proper to refer here to the present law in regard to embezzlement. Refusal of an officer or other person, made the custodian of money, to pay over the same on lawful demand, is declared to be embezzlement, and is punishable by imprisonment or fine. And if any person so demanding money and refused the same, neglects to make complaint against such officer, he is also punishable by imprisonment or fine. Sections 4418-4421 of the revised statutes relate to this matter. It will be seen by section 963, that whenever any judgment has been rendered against the treasurer for any breach of the conditions of his bond the governor may declare the office vacant, The vacancy will be filled as other vacancies in the district board are filled.

It is also deemed proper to refer here to the provisions of law relating to proceedings to compel the delivery of books and papers of public officers to their successors, contained in chapter XLIII revised statutes, and embracing sections 977-983 inclusive. Severe penalties and summary proceedings are therein provided for failure to thus deliver books and papers to successors.

SECTION 445. The treasurer of any school-district shall prosecute the town treasurer of the town in which such district or any part thereof is situated, for the recovery of any money belonging to such district, in all cases when such town treasurer shall refuse or neglect, for the space of ten

days from the time fixed by law therefor, to pay the same to the proper officer of such district.

The treasurer will bring the action before a justice of the peace, if the amount withheld does not exceed \$200; otherwise, in the circuit court.

#### CLERK.

SECTION 446. It shall be the duty of each school-district clerk :

1. To report the name and post-office address of each officer of his district to the town clerk, or if a joint district, the town clerk of each town in which his district or any part thereof is situated, within ten days after the election or appointment of such officer.

2. To act as clerk when present, and record the proceedings of each district, and minutes of all meetings, orders, resolutions, and other proceedings of the district board, in the record book provided by the board, and to enter therein copies of all reports made by him to the town clerk.

3. To make in such book, or in some other suitable one, a record of all orders drawn upon the treasurer.

4. To draw orders on the treasurer for money in his hands which has been apportioned to or raised by the district for that purpose, in payment, when due, of the wages of legally qualified teachers who have been employed by the board, and have taught the school of such district, and also to draw orders on the treasurer for money in his hands, to be disbursed for any other purpose, voted by a district meeting, according to the provisions of section four hundred and thirty, and each order shall designate the object for which and the fund upon which it is drawn, and shall be countersigned, by the director. No order shall be drawn, countersigned, or paid which is in favor of any person who has taught school in said district when not holding a certificate of qualification therefor, as provided by law, nor for the payment of which the money has not been appropriated according to law, and no order shall be drawn for any money received from the school fund income, for any other purpose than payment of teachers' wages.\*

5. To furnish, at the expense of the district for the use of each teacher, a school register in the form prescribed by the state superintendent, to procure the same to be returned to him at the expiration of the teacher's employment, and to preserve the same with the records and papers of the district.

6. To perform such other duties as are or shall be imposed upon him by law.

\* See Form No. 24.



The duties of the clerk are such that the prosperity and harmony of the school of his district depend greatly upon the manner in which he discharges them.

The name and post-office address of each district officer should be known to the town clerk, to enable him to hold official correspondence with them.

The importance of full and accurate records cannot be too strongly enforced. The record book of the district should contain a full history of its school affairs. Dates, names, resolutions, votes, etc., should be given with such exactness that no trouble can arise which a reference to its pages will not help to settle. Financial statements and reports should be spread out on the record book. Documents that are merely filed, are soon lost.

The clerk cannot properly refuse to record the proceedings of a meeting that he was opposed to calling. And although he may think the proceedings illegal, it is his duty, nevertheless, faithfully to record them. If illegal, they may be set aside by competent authority, on appeal; and the record of the clerk is of importance in deciding the question.

As the board has no authority to contract with a teacher who does not hold a legal certificate of qualification, so also any use of public funds, from whatever source received, for the payment of teachers not legally qualified, is a palpable violation of law. It is the duty of the clerk to see and know that the person employed is legally qualified and entitled to teach, before any order for payment is drawn. It is no less the duty of the director to refuse to countersign, and of the treasurer to refuse to pay, orders drawn in violation of law; and these officers are bound to know that orders are legal before they recognize them as valid.

The order for payment of teachers' wages can be drawn only in favor of the teacher. If he is desirous to apply his wages to the payment of a private debt, he can indorse the order to his creditor, but it is for him, and not for the clerk, to distribute his wages.

The provision and preservation of a school register is important, and should be promptly attended to. The duties of the clerk as to his report are stated under section 462.



Every clerk of a district should feel that, by a proper discharge of his duty in keeping his records with fidelity and neatness, he may leave an honorable memorial of himself that shall last while his district exists. More especially may this be expected when he is paid for his services.

#### WHAT SHALL BE TAUGHT.

*As Amended by Chapter 327, Laws of 1885.*

SECTION 447. Orthography, orthoepy, reading, writing, grammar, geography, arithmetic, the constitution of the United States, and the constitution of this state shall be taught in every district school, and such other branches as the district board may determine. All instruction shall be in the English language, except that the district board or the board of education of any incorporated village or city may, in their discretion, cause any foreign language to be taught by a competent teacher to such pupils as desire it, not to exceed one hour each day.

Provision shall be made by the proper local school authorities for instructing all pupils in all schools supported by public money, or under state control, in physiology and hygiene with special reference to the effects of stimulants and narcotics upon the human system.

The text-books used in giving the foregoing instruction shall receive the joint approval of the state superintendent of public instruction, and the state board of health.

The law wisely provides that those branches essential to a good common education shall be taught in every public school, and that all branches of study shall be taught in the English language.

The district board should avoid the introduction of any branch of study, aside from those required by law, which will tend to practically exclude the foregoing. They should insist upon the school being so conducted as to secure daily instruction and daily practice in reading, spelling, and writing. These branches are often neglected, and others, such as algebra, Latin, and rhetoric, are introduced, to the detriment of all the scholars in the school. It is especially necessary that teachers should require their pupils to *write* in connection with every school exercise, from the primary school to the university.

The law contemplates an English school. The object of the public school is to educate children so as to make them

good citizens. Its instruction, discipline, and government must be of such a character as to prepare the young to discharge their duties as citizens of a country where the language of the courts, the legislature, and the people, is the English language. To secure the requisite ability on the part of the teacher to carry out this provision of the law, section 449 provides "that no person shall receive a certificate of any grade who does not write and speak the English language with facility and correctness." Teachers who speak other than the English language may be employed, and their knowledge of German or Norwegian may be of great use in teaching the children of these nationalities, but every teacher must speak, write, and read English before he is legally qualified to teach a public school.

The law does not require that the constitutions shall be taught to all pupils, irrespective of age, but to such as are advanced enough to receive instruction with benefit. Text-books are no longer furnished for this purpose at the expense of the state.

In consequence of the large and increasing number of persons of foreign birth in this state, the law provides that one hour in each day may be given to instruction in foreign languages. The intention of this provision is not to encourage, but rather to limit the introduction of other languages than the English into common schools. While it is natural that persons of foreign birth should wish their children to read as well as speak their native tongue, it is the policy of the state to provide that all may learn the common language of the country. The provision in question is not intended to affect instruction in the classical or modern languages, when the same form a part of a course of study in high schools.

The provision added by chapter 327, laws of 1885, contemplates instruction in physiology and hygiene, for all pupils sufficiently advanced in age and scholarship, with special reference to the effects of stimulants and narcotics upon the human system. By an amendment of section 449 no person can receive a certificate authorizing to teach in the public schools after the first day of January, 1886, who has not passed a satisfactory examination in physiology and hygiene

with reference to the effects of stimulants and narcotics upon the human system.

In due time the text-books to be used in the instruction upon these subjects will be approved by the parties designated for that purpose, and announcement will doubtless be made from time to time of the text-books so approved, for the information of district boards, who are required to adopt a text-book on this as on all other subjects taught in the schools. The effectiveness of the work in these branches will largely depend upon the simplicity and practical character of the instruction given, and the good judgment of teachers in avoiding abstruse and offensive methods of presentation. No more valuable or interesting study can be pursued than that of the structure and care of the human body, through which all intellectual and physical energy and power is to find expression. Competence to guide and aid pupils in this study can only be acquired through patient and thorough study on the part of teachers, to which they must now address themselves if they have not hitherto mastered the subject.

### III. CERTIFICATES AND EXAMINATIONS.

SECTION 448. Every person who shall desire to teach in any of the common schools, unless he shall hold a diploma or certificate then authorizing him to teach, shall procure such certificate from the proper examining officer, as hereinafter provided ; and no certificate shall have force, except in the district of the examining officer who issued the same.

The comments on section 438 are referred to in this connection. Teachers as well as school officers should see to it that the law in regard to certificates is carefully complied with. The only safe and prudent course is to obtain the certificate in due season, though it may require some trouble and expense.

*As amended by Chapter 327, Laws of 1885.*

SECTION. 449. There are hereby established three grades of teachers' certificates, to be known as certificates of the first, second, and third grades. Each certificate shall show the branches in which the holder has been examined, and his relative attainments in each branch. No person shall receive

any certificate who does not write and speak the English language with facility and correctness. No certificate shall be granted to any person to teach in the public schools of Wisconsin, after the first day of January, 1886, who has not passed a satisfactory examination in physiology and hygiene with special reference to the effects of stimulants and narcotics upon the human system.

The last clause of this section, which was added by chapter 327, laws of 1885, while not in terms adding a branch in which applicants for any particular grade of certificate must be examined, yet in effect requires that an applicant for any grade of certificate shall pass a satisfactory examination in the topics named. For further notes upon this matter see comments upon section 447.

SECTION 450. Every applicant for a certificate shall be examined in the subjects hereinafter mentioned for the several grades respectively as follows : For the third grade, in orthoepy, orthography, reading, penmanship, arithmetic, English grammar, geography, the history of the United States, the constitution of the United States, the constitution of the state of Wisconsin, and the theory and art of teaching. For the second grade, in all the foregoing, and also in grammatical analysis, physiology, physical geography, and elementary algebra. For the first grade, in all the foregoing, and also in higher algebra, natural philosophy, and geometry ; and if found qualified, shall receive the certificate appropriate to his grade. A third grade certificate shall entitle the holder to teach for such period, not more than one year, as may be specified therein, in any town in the superintendent district in which he is examined, except that it may be limited by the county superintendent to any town or school-district therein. A second grade certificate shall entitle the holder to teach in any town in such superintendent district, and be in force one year from its date. A first grade certificate shall entitle the holder to teach in any town in such superintendent district, and be in force two years from its date.

Candidates for a *third grade* certificate should be required as the minimum of qualifications, to spell correctly the words of any ordinary sentence, dictated by the examiner, to know something of the rules of spelling, to understand the use of capitals, and the diacritical marks in Webster's dictionary; to pronounce with facility and correctness, common words, and to read distinctly and intelligibly from an ordinary book; to work readily any ordinary question in



common arithmetic, giving reasons for the operations; to parse correctly any sentence of common prose, and to understand the elements of sentential analysis; to have a fair knowledge of geography, especially of the United States, and of this state, of the history of the country, and of the constitutions of the United States and of Wisconsin; to write plainly, and to know something of the principles of penmanship; and finally, to have some correct ideas of methods of teaching and of the management of a school. See, also, comments upon section 449.

Applicants for a *second grade* certificate should understand more thoroughly the rules of spelling, pronunciation, and elocution, the diacritical marks, and marks of punctuation; should spell all common words though difficult, and be able to read with intelligence and expression; they should write a good hand, and be able to teach some good system of penmanship; they should understand the science of arithmetic, and be able to teach book-keeping by single entry; they should write grammatically and compose with facility, and should have, in addition to a thorough knowledge of the branches required for a third grade certificate, a good knowledge of the additional branches required for the second grade, more especially of physiology and hygiene.

For a *first grade* certificate, the law requires a knowledge of higher algebra, natural philosophy, and geometry, in addition to the branches required for the lower grades, and the examination in the common branches should be thorough and searching.

It would not be amiss if the law had provided that certificates of the *first grade* shall be granted only to those who have had experience in the profession, and who have been eminently successful in the government of schools, but it has not done so.

The third grade certificates are intended for temporary licenses, to be granted to persons of limited attainments. Earnest efforts are needed on the part of the superintendents to induce more teachers to seek certificates of a higher grade. District officers can greatly contribute to this result by seeking the best teachers, and they will find it the best



economy in the end, although wages paid to such teachers may be higher.

Under the law as it now stands, the third grade certificate entitles the holder to teach *for such period*, not more than one year, as may be specified therein, in any town in the county or superintendent district; but it may be limited to any town or school-district, at the discretion of the examiner. These limited third grade certificates should be granted only when necessity requires.

Second grade certificates will continue in force one year, and first grade two years, unless sooner annulled.

SECTION 451. Each county superintendent shall, under the advice and direction of the state superintendent, establish for his county the standard of attainment in each branch of study, which must be reached by each applicant, before receiving a certificate of either grade, and the standard so established shall be uniform in the superintendent's district. He may demand an examination in such additional branches as the applicant may be required to teach, and whenever he shall deem it necessary may require a re-examination of any teacher in his district for the purpose of ascertaining his qualifications to continue as such teacher.

In the comments on section 450, the *minimum* standard of qualifications of teachers for the several grades of certificates is outlined, and these comments should be carefully noted by county superintendents in preparing tests for use in examinations. Uniformity of standard for the county does not require identity of questions. These may require to be changed, even during the same season. It will of course be the effort of the superintendent to raise the standard, as fast as the general progress in education will admit.

It is not supposed that any superintendent will capriciously require re-examination, nor that he will not give proper faith and credit to the work of his predecessor; but cases may arise in which duty will require such re-examination.

By chapter 311, laws of 1885, graduates of free high schools, after obtaining a first grade certificate of the county superintendent of the county in which the free high school from which they graduate is located, and after one year of successful experience in teaching, may have the certificate of

standing accorded to them at graduation countersigned by any county superintendent, and thus made in effect a first grade county certificate valid for the period of four years from the time the same is countersigned. It will be noted that the diploma must be countersigned by the superintendent of the county or superintendent district in which the holder desires to teach. Being countersigned by one superintendent will not give authority to teach in any county or district except that in which the superintendent countersigning has jurisdiction. The law is hereto appended :

*Chapter 311, Laws of 1885.*

AN ACT relating to graduates of free high schools.

SECTION 1. The high school board of each town, incorporated village, city, or school-districts, which contains within its limits an incorporated village, in this state, in which there is, or shall hereafter be maintained a free high school, according to the provisions of law, shall make out and deliver to each graduate of such respective high schools at the time of graduation, a certificate of his standing in the various branches which he has pursued in such school, and any such graduate who shall have duly passed an examination for and received a first grade certificate from the county superintendent of schools of the county where he shall then reside or shall have so graduated, upon furnishing to any county superintendent satisfactory proof of having successfully taught at least one school year under such first grade certificate, such county superintendent may countersign such certificate of graduation or diploma and the same when so countersigned shall have the same force and effect for all purposes of a first grade county certificate for the period of four years, from and after the time when the same is so countersigned.

SECTION 452. Any applicant refused a certificate as a teacher by the county superintendent, may apply to the state superintendent for a re-examination. The superintendent, upon demand, shall give any applicant refused a certificate a written statement of the reasons of such refusal, which shall be presented to the state superintendent by the person desiring re-examination. If, upon such re-examination, the state superintendent shall be satisfied that such applicant is legally qualified, he shall issue a certificate of the proper grade, which shall entitle him to the same privileges as if it had been issued by the county superintendent.

An appeal from the action of a county superintendent in refusing to grant a certificate, must be conducted according to the rules and regulations of the department governing appeals. As the county superintendent fixes the standard of attainments under the advice of the state superintendent, no appeal need be taken under the impression that the standard will be lowered.

If the refusal is for want of literary qualifications, a re-examination will probably be necessary. If for other reasons, the decision will be rendered according to the evidence submitted. The forms and rules to be observed by a teacher in taking an appeal will be found under section 497.

SECTION 453. When any charge shall be made against any teacher in his district, affecting his moral character, learning, or ability to teach, the county superintendent shall give to such teacher, and the district board by whom he is employed, at least ten days' notice in writing of the time and place when and where he will hear the same, which shall in all cases contain a statement of such charges. At the time and place fixed in such notice, he shall proceed to hear the proofs on either side, and may administer oaths therefor, and give the accused a reasonable opportunity to defend himself, and if he shall find the charges sustained, and sufficient, he may annul his certificate. Such annulling of a certificate shall not disqualify the teacher until notice thereof, containing the name, date, and reasons therefor, shall be filed in the office of the town clerk, and a copy thereof delivered to the clerk of the district in which such teacher is employed.

#### STATE CERTIFICATES.

SECTION 454. The state superintendent shall, before the second Wednesday of August in each year, appoint three competent persons, residents of this state, who shall constitute a board of examiners. Said board shall meet at the capitol once or more each year, at such times, and also at such other places as the state superintendent shall prescribe, for the examination of all applicants for state certificates. The state superintendent shall prescribe the manner of making application, of conducting and managing such examinations, reporting the results thereof, and with the advice of the examiners, in what branches of study, in addition to those fixed by law, the applicant for an unlimited state certificate shall be examined.

SECTION 455. To entitle an applicant to a limited state certificate, the examiners shall be satisfied, and shall report to the state superintendent that he possesses the requisite scholarship in all the branches of study required for a first grade county certificate, and also in mental philosophy and English literature. To entitle him to an unlimited state certificate, they shall be satisfied and report that he possesses the requisite scholarship in all the branches above named, and in all such others as shall have been prescribed. After successful examination each applicant shall furnish to the state superintendent such evidence as he may require of good moral character, experience, and success in teaching and thereupon the state superintendent shall issue to him such certificate as is awarded him by the report of the examiners. A limited state certificate shall qualify to teach in any public school in the state without further examination, for five years from its date, unless sooner annulled. An unlimited state certificate shall qualify to teach, without any further examination, in any public school in the state or until the same is annulled.

SECTION 456. The state superintendent shall record the date of each certificate, and the name, age, and residence of the person to whom issued; and he shall preserve on file in his office all papers relating to the examination of applicants for state certificates.

SECTION 457. Any state certificate may be revoked by the state superintendent for incompetency or immoral conduct; but before any such revocation, the holder shall be served with a written statement of the charges against him, and shall have an opportunity for defense.

SECTION 458. There shall be paid out of the state treasury, to each examiner appointed as aforesaid, three dollars per day for all time actually and necessarily spent in going to, holding, and returning from any such examination, and all his actual and necessary expenses therein to be fixed and certified by the state superintendent.

Since 1872, there have been two grades of state certificates. Applicants for either grade are required to present satisfactory evidence of good moral character.

The present requisites for obtaining a limited state certificate, good for five years in any public school in the state, are a successful examination in the studies now required for a first grade county certificate, with the addition of English literature and mental philosophy, and satisfactory evidence of success in teaching for at least three ordinary school terms. The rudiments of mental philosophy only are required. For the unlimited certificate, the rudiments of



botany, geology, and political economy, and general history are added. Evidence of success in teaching nine terms will also be required.

Under the present rules an examination in zoology and chemistry is not required.

When an applicant is personally known to the state superintendent, or to either member of the board of examiners, as having a good moral character, no specific testimony will be required; but when not thus known, written testimonials from one or more responsible persons acquainted with the applicant, must be presented.

In respect to the length of time that an applicant has taught, his own declaration, giving the time, place and kind of school, will be sufficient.

The proof of success in teaching must be clear and explicit. Written testimonials from employers, or other responsible and competent persons, will be required.

The examination will be conducted by both oral and printed questions, in such manner that exact justice will be done to each applicant.

Applicants who fail in any of the branches required, may present themselves for re-examination in the branches for the limited certificate, within one year; and for the unlimited certificate, once within two years. A re-examination in those branches in which they have been successful, will not be required.

The necessary stationery, etc., will be furnished by the state superintendent, and no fee will be charged for certificates.

An unlimited state certificate entitles the holder to teach in any public school in the state, and will be valid during life, unless revoked for incompetency or immorality. The limited certificate is subject to the same conditions as the unlimited one, and confers the same privileges for a period of five years.

It is the object of the law to recognize and honor those experienced and successful teachers who have given character to their profession, and to furnish to young teachers a proper incentive to honorable exertion.



It is hoped that through the hearty co-operation of all persons interested in the subject, the objects of the law may be fully realized, and that the standard of teachers' qualifications may be essentially raised, and more clearly defined.

#### DIPLOMAS AND STATE CERTIFICATES.

As diplomas from the normal schools, from the state university, and from other colleges and universities in the state, may become state certificates, so much of the law as relates to the matter is inserted here.

First is given section 405, of the revised statutes, relative to diplomas granted by the board of regents of normal schools:

SECTION 405. Said board may grant diplomas in testimony

states to diplomas granted by the board of regents of the university:

SECTION 387. \* \* \* After any person has graduated at the state university, and, after such graduation, has successfully taught a public school in this state for sixteen school months, the superintendent of public instruction shall have authority to countersign the diploma of such teacher, after such examination as to moral character, learning, and ability to teach, as to the said superintendent may seem

proper and reasonable. Any person holding a diploma granted by the board of regents of the state university, certifying that the person holding the same is a graduate of the state university, shall, after his diploma has been countersigned by the state superintendent of public instruction as aforesaid, be deemed qualified to teach any of the public schools of this state, and such diploma shall be a certificate of such qualification until annulled by the superintendent of public instruction.

The law passed at the session of the legislature in 1880 providing that diplomas granted by other colleges and universities of the state, may become state certificates, is as follows :

*Chapter 209, Laws of 1880.*

AN ACT authorizing the granting of state certificates to graduates of colleges and universities.

The statute relating to diplomas granted to graduates of the normal schools, allows such diplomas to become unlimited state certificates after the holder has taught successfully one year. The ruling of the state superintendent is that one year shall be understood as not less than eight school months. This applies to the diplomas granted to those who have taken the full or four years' course. In like manner, and on the

same condition of having taught one year, the certificate granted to those who complete the elementary course may become a limited state certificate.

The statutes in regard to diplomas granted by the state university and other incorporated colleges and universities of the state, prescribe that the holder shall have taught sixteen school months, before such diplomas can be countersigned and become state certificates. A school month is understood to be twenty days in length.

In regard to moral character, length of time that the graduate has taught, and his success in teaching, the rules by which the state superintendent is governed in countersigning diplomas, are similar to those announced in the comments on the law as to state certificates granted on examination.

Chapter 303, laws of 1882, authorizing the state superintendent to countersign first or second grade county certificates and limited ~~life~~ certificates held by persons who have taught in the state successfully for the period of twenty-one

OF AN UNLIMITED STATE CERTIFICATE.

#### TEACHER'S MONTH AND LOSS OF TIME.

SECTION 459. In settlement for wages between teachers and district boards, and other employers of teachers in the public schools, twenty days of teaching shall constitute a school month, unless it be otherwise specified in the contract; and all legal holidays occurring on school days shall be counted, although no school be taught, but no Saturdays

shall be counted. The district board may, in their discretion, give to any teacher employed, without deduction from his wages therefor, the whole or any part of his time spent by him in attending the sessions of any institute held in the county embracing the school-district, or any part thereof, upon such teacher's furnishing to the district clerk, to be filed by him, a certificate of regular attendance upon such institute, signed by the person conducting the same.

Both school boards and teachers should take notice that the teacher's month is always 20 instead of 22 days, unless it be otherwise specified in the contract; also, that all legal holidays, but no Saturdays, are to be counted. The legal holidays are named in the comments on section 462.

It is recommended to school boards to exercise the power here given to them, and allow teachers to attend institutes without deducting all the time. The schools will be the gainers by this general policy. The certificate of attendance required by the law should be produced by the teacher, before his wages are paid.

It is the duty of the clerk to furnish the teacher promptly with the register, and to call his attention to this section of the school law, which provides that, for willfully neglecting or refusing to comply with its requirements, he shall forfeit his wages during such neglect or refusal.

The form of a school register is given in the appendix (No. 25). Economy will be the best subserved in the end, if a

good and substantially bound book is procured for this purpose. Registers are not supplied by the Department of Public Instruction. Registers of the form approved may be obtained at the bookstores, or of firms that deal in school supplies.

The clerk should require the teacher to return the school register at the end of the term for which he is employed, and should ascertain that it has been properly kept, before he draws an order on the treasurer in payment of the teacher's wages. He should also frequently examine the register during the term, in order to secure that accuracy in the method of keeping it, which will enable him to make a reliable report to the town clerk. Teachers are required by this section to render reports relating to their schools, and a refusal so to do is sufficient cause for annulling a certificate

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therefor. They shall deliver such order to the clerk of the district, and transmit forthwith a copy thereof to the clerk of the town, and also to the state superintendent. Such order shall take effect from its date, unless within thirty days after it is delivered to the district clerk, the same shall be reversed by the state superintendent for cause shown, and from the time said order shall take effect, the district shall not share in any apportionment of the school fund income for any school kept in any building so declared to be unfit for school purposes.

5. To report annually to the board of supervisors of his county, the condition of the schools under his supervision.

6. To receive from the town, city, or village clerk, the abstracts of the reports of the district clerks required to be made by law, and to transmit the same to the state superintendent; and before the first day of May in each year, to transmit to the state superintendent the name and post-office address of each town clerk in his district, and from time to time such other facts relating to education in his district as the state superintendent shall require.

*Section 975, Revised Statutes.*

SECTION 975. The judge of the circuit court may, in term-time, or vacation, by an order specifying the cause thereof, a copy of which he shall certify to the county clerk, remove any county superintendent of schools in his circuit for incompetency, willful neglect of duty, or for acting as agent for, or receiving any fee or reward from any author, publisher, bookseller, or dealer in school books, maps or charts, or school library books, or school furniture or apparatus. Such removal shall be made only upon a petition, setting forth fully the charges preferred against him, and after a copy thereof, with a notice attached, stating the time and place, when and where such petition will be presented to such judge, shall have been personally served upon such superintendent, at least thirty days before the hearing, and an opportunity given him to be heard. The testimony shall be taken and the proceedings conducted summarily under such reasonable regulations as the judge shall prescribe.

In the discharge of the duties imposed upon county superintendents by this important section, these officers will find opportunity for doing inestimable good. To properly perform them will require the exercise of patience, prudence and firmness, and generally the assiduous employment of all their time. In this way alone will they secure the confidence of the people.

EXAMINATION OF TEACHERS.

1. The examination of teachers should be confined to ascertaining their qualifications in respect, *first*, to moral character; *second*, to learning; *third*, to ability to teach.

ent from his own, or indiscreet in the utterance of his religious or political views, ought not to be permitted to enter a public school as a teacher. Neither should a person receive a certificate of *good moral character*, who is not truthful, temperate, orderly, honest, and prudent. A teacher should be courteous, simple in his tastes, kind and considerate toward the unfortunate, just in his dealings, patriotic, public spirited, and pure minded.

Comments upon the different grades of certificates authorized to be given, are to be found under section 450.

As to the *learning* of applicants, the law specially sets forth the branches in which they must be examined, and the different certificates which county superintendents are authorized to grant. The method of examination required is by written and oral questions. Questions to be answered by writing should be prepared with great care. They should be definite, involving principles rather than facts, and sufficient in number to test the knowledge of the teacher. The questions are generally printed on slips of paper, the superintendent exercising due care to prevent candidates for certificates from knowing beforehand what they are. All necessary preparation should be made, such as providing a room where teachers can write; removing all temptation to aid or seek aid; obtaining paper, ink, pens, etc.; seeing that the blackboard is in good order, and that rubbers and crayons are at hand, and that the room is warmed, lighted, and ventilated.

The time appointed for meeting should be such as will enable all to be present, who design to attend, and no allowance should be made for a failure consequent upon tardiness or unnecessary absence. The time allotted for each set of questions should be stated on the paper containing the printed questions, and such rules should be established as will preclude communication or interruption during the time of examination.

County superintendents should carefully discriminate between the *standard of attainments* in each branch of study which they are authorized to establish, and which each applicant for a certificate may be required to reach (see comments on section 450), and the *standing* or *relative attainment*, in those branches, which is to be shown in the certificate, as required by section 449. The *standard* involves the scope or extent of the candidate's ability, scholarship and powers, which are deemed indispensable qualifications for teaching, and involves clearness of perception and understanding, with ability to communicate and elucidate. *Standing* implies relative attainments in the several branches as determined by the particular test of the examination.

Discrimination in this matter will result in careful consideration of the *plan* of examination, as well as the questions to be submitted. The latter can be properly prepared only after the standard is definitely determined, and should be rigidly confined to tests within the limits of the standard fixed.

As a rule, the examiner should not know the name of the person whose papers he examines. By numbering the candidates and requiring them to use the numbers instead of their names in signing their papers, there will be no suspicion of partiality. The name and corresponding number of each candidate should be written on a card. The cards should be collected and carefully laid aside until the results of the written examination are determined; and the owner of each paper may be known by finding the name on the card corresponding with the number on the paper.

All papers written at examinations should be preserved by the superintendent, kept on file in his office during the

life of the certificate issued thereon, and so arranged that reference may readily be made to them. In case of complaint, any errors that may have been committed may thus be corrected.

In "marking" or determining the standing of candidates, ten should be taken as the *maximum*. The *writing, punctuation* and *spelling* should be correct. No attainments in science can be taken as an equivalent for deficiencies in the "common branches."

In conducting the examination *orally*, such notes should be made by the examiner as will enable him to avoid errors of judgment. Pronunciation, choice of words, facility of illustration, ability to use the crayon at the blackboard, power of expression, use of the voice, self-possession, manners, and, in general, scholarly *culture*, are things to be observed in the oral examination. If a person does not possess these in some tolerable degree, he cannot teach, and ought not to be licensed.

In many cases, too little time is given to the examination. No person can properly examine twenty or thirty teachers in a single day. At least ten hours diligently employed are necessary to enable the examiner to pass upon the qualification of twenty teachers seeking the lowest grade of certificate.

A record of all examinations should be kept. The names of applicants with their ages and residences, and the grades of those licensed, should be carefully and accurately recorded. The dates of examinations and of certificates ought to be preserved as a portion of the permanent records of the office, and all papers relating directly or indirectly to examinations should be preserved, arranged and filed for future reference.

"Ability to teach," involves more than mere learning. One who does not speak the English language with fluency, correctness and good taste cannot teach the branches required "in the English language," as the law provides. It also involves knowledge of the usages of society and of the rights of parents and children; also, of the laws relating to public schools, property, reputation and life. To teach



requires courage, fortitude, forbearance, discretion and patience; hence, granting certificates to boys and girls is a violation of the spirit of the law, and shows a want of common sense.

In preparing questions for written examinations, effort should be made to so frame them as to fairly test candidates' knowledge of the facts and processes involved in the subject, the reasons of the processes, the relations and practical significance of the facts and processes, and ability to develop the general subject by correct methods, to accomplish the disciplinary as well as acquisitive advantages of the study.

#### ANNULLING CERTIFICATES.

The power conferred by law upon county superintendents to annul certificates, should be exercised with discretion and firmness.

Deficiency in learning or ability to teach, or immoral character, constitutes a ground for annulment. If a teacher's deficiency relates to learning, and it is within the knowledge of the superintendent, he should re-examine him; and if it relates to bad morals, he should investigate the matter, giving the teacher proper notice; and if he fails to exculpate himself, his certificate may be annulled. In case of complaint made to the superintendent by others, the teacher should receive notice of the time and place at which he will be examined, and at which proof will be heard on behalf of both complainant and teacher.

When the complaint relates to the moral character of the teacher, full opportunity must be given him for his defense. He should be made acquainted with the precise charges affecting his character, and ample time should be allowed him to prepare proofs, and to bring witnesses to explain or disprove the charges.

The law authorizing superintendents to annul certificates, and directing the course to be pursued, is found in section 453.

The superintendent should not subject the teacher to a public accusation, unless some person shall make complaint

to him, and sustain it by his own oath, or that of witnesses whom he produces. All testimony should be reduced to writing. It is for the complainant to produce the evidence of the charges he prefers. The accused is entitled to the privilege of cross-examining witnesses, and is not bound to offer any testimony until something is proved against him.

As an appeal may be taken from the action of the county superintendent to the superintendent of public instruction, the former should take full minutes of the testimony, as it is given, as nearly as possible in the language of the witness.

#### VISITING SCHOOLS.

The duty of visiting schools is among the most important of those required of the county superintendent. School visitation depends for its efficiency upon the manner in which it is performed. A stated formal visit does no good, and sometimes does harm. A short call, without an opportunity to learn anything of the real condition of the school, is useless.

The visits should be quite unceremonious, unexpected to teachers and pupils, and the superintendent should, besides observing the routine of the school room, inform himself in regard to the progress and attainments of the pupils. He should examine classes in spelling, reading, and writing, in preference to those in algebra, French, and rhetoric, and should show both teacher and scholars that he attaches more importance to those branches that constitute the foundation of education than to those, a superficial knowledge of which may be obtained by very poor scholars. The teacher's method of classification should be examined. It sometimes happens that scholars are hastily assigned to the wrong class, and there allowed to remain for months, on account of the indifference or ignorance of the teacher. If classes can be consolidated with advantage, it should be done, and the superintendent should feel that he, as well as the teacher, is responsible for the progress of every school in his county.

By his visitation, and by the reports he may require of teachers, the county superintendent can do very much to secure the use and promote the efficiency of a course of

study in all the schools. He should take pains to explain its use and advantages to teachers, and inspire pupils with ambition to compass *all the work* prescribed in the course thoroughly and creditably; excite emulation among different schools; examine classes to determine the progress they are making, and for promotions, and upon completion of the course; interest patrons and officers in this systematic and progressive work, and secure, if possible, their hearty co-operation, by aiding in securing punctuality and regularity in attendance.

The school register should be examined, and if not kept in such manner as to show classification and progress of all pupils, and such comments as will aid a successor in taking up and carrying forward the work of the school from the point of advancement reached during the term, as well as name, age, sex and daily attendance, such instruction should be given and such measures taken as will lead the teacher to keep it in proper form. The condition of the school library, apparatus, maps, etc., should be ascertained and noted. The desk, blackboards, furniture, stove, windows, doors, wood shed, fence, out-houses, etc., should be inspected, and a report of the condition of the school, school-house, and surroundings, should be made to the district board in writing. Such suggestions as are required may also be made.

The district officers should be reminded of the annual district report, and the necessity of accuracy and promptness in making it should be enjoined upon them. The manner in which the district records and accounts are kept, should be made a subject of investigation, and if necessary, of advice. Attention should be given to the certificate of the teacher, and if public money is paid to teachers not qualified, the consequences of such disregard of law should be pointed out, and measures taken to prevent it. No person has a right to teach in a public school who does not hold the certificate of qualification required; no officer has a right to pay a dollar upon an order in favor of such unqualified teacher; the clerk and director who draw the order are misappropriating public money; and the duty of the county superintendent is to prevent this unlawful practice.

The superintendent should seek to remove difficulties growing out of changes in district boundaries, family animosities, or dissatisfaction with the action of school officers. He should invite the people of the district he is visiting to meet him at the school-house, and should then address them upon the educational interests of their district. The address should be plain, pointed and pertinent. No adulation or flattery should be indulged in. The results of observation and examination should be given with such plainness as discretion and good taste will warrant. An effort should be made to instruct and improve rather than please. The people always respect an earnest, truthful man, but they are merciless towards a timid, hypocritical one.

If practicable, a report of the condition of each school should be made *in writing* to the district board. Their attention should be particularly called to those things that are necessary for the comfort, health, and progress of the children. The school register will furnish, if properly kept, facts that may be made the basis of calculations in regard to attendance, absence, irregularities, etc., that will be both interesting and instructive. It is also well to address a communication to the teacher, commending what deserves approval, and calling special attention to those things that need correction.

#### INSTITUTES.

It is made the duty of the superintendent to hold institutes, and at least one should be held each year. Such preparation should be made as will secure a prompt and general attendance. A suitable room, well ventilated, properly warmed, and furnished with desks, blackboards, etc., is indispensable. By proper effort, the co-operation of the people in the vicinity of the place where the institute is held may be secured. Care should be taken not to tax the hospitality of the people for the benefit of those not engaged in teaching, merely to swell the number in attendance.

The notice for the institute should suggest to the teachers the necessity of bringing with them paper, pencils, note books, and such school books as may be required.

Arrangements should be made for addresses, and if the superintendent deems it advisable, some prominent teachers may be secured to conduct the institute exercises. For some years past, the board of normal regents has granted aid to institutes out of the income of the normal school fund. If preferred, a conductor from one of the normal schools is furnished to take charge of the institute, if practicable.

The programme should, if practicable, be published with the notice, and should be strictly adhered to during the time the institute is held. When a conductor is furnished, it is expected that he will follow the "syllabus," or general system set forth for the purposes of institute work. A portion of each session should be devoted to discussion, and the superintendent, or other conductor, should be prepared to answer such questions in regard to the school law and school matters generally, as the teachers may wish to ask. Punctuality, regularity, and good order should be maintained, and an effort should be made to render the institute a model school in its methods of recitation, instruction, and general arrangement and management.

The county superintendent should preside and conduct the exercises in part, at least. Careful attention should be given to the register and the gathering of the statistics required to be recorded therein. In all respects, the institute should be a well-ordered and business-like body, diligently doing its appointed work. No time should be frittered away in excursions, picnics, or parties.

#### EXAMINATION DISTRICTS, AND PRIVATE EXAMINATIONS

To facilitate the examination of teachers, and to lessen the trouble and expense to them, the law requires inspection districts, and due notice of the time and place of the examinations. It will be noticed that the law is so amended as not to require more than four inspection districts in some counties, and in others not more than three, according to the number of schools.

Examinations should be public that there may be no suspicion of favoritism or neglect. The uniformity in ques-



tions required is not an identity of the questions submitted to each candidate which would generally be impracticable in regard to oral questions, and sometimes unadvisable as to the written ones; but an equality, through the county, in the difficulty of the questions propounded, and in the thoroughness of the test to which the candidates are subjected.

Before granting private examinations, the county superintendent should always satisfy himself that the absence of an applicant from the public examinations was necessary and unavoidable. Although the certificates granted at special examinations are of short duration, yet the candidate should not be less thoroughly examined than if present at a public examination. Private examinations are mostly or quite avoided, by some superintendents, by appointing a supplementary examination late in the season. Good judgment will be required to avoid, on the one hand, too much easiness, and, on the other, an arbitrary exercise of power.

## V. REPORTS.

*As amended by Chapter 298, Laws of 1883.*

SECTION 462. It shall be the duty of the district clerk, between the tenth and fifteenth days of July in each year, to make and transmit to the town, city or village clerk, a written report, dated on the tenth day of July of such year, signed by him and verified by his affidavit, showing:

1. The number of children, male and female, designated separately over the age of four and under the age of twenty years, residing in the district, and the names of their parents or other persons with whom such children resided, respectively, on the last day of June preceding.

2. The whole number of children, males and females designated separately, between the ages of four and twenty years, taught in the district school during the year for which such report is made, by teachers duly qualified.

3. The number attending school during the year, under the age of four, and the number over the age of twenty years.

4. The whole time, in days, any common school has been taught in the district, including holidays, and the whole number of days, including holidays, such school has been taught by teachers qualified according to law.

5. The names of all teachers employed during the year, the number of days taught by each, including holidays, and

the monthly wages paid to each; and the time allowed any teacher for attendance on any institute, for which no wages were deducted.

6. The amount of money received from the town treasurer, the amount from district taxes, and the amount received from all other sources during the year, and the manner in which the same has been expended, showing separately the expenditure of school money received from the state.

7. The kind of books used in the school.

8. Such other facts and statistics in relation to the schools, public or private, in such district, as the state superintendent may from time to time require. The clerk of each joint school district shall report to the town clerk of each town, a part of which is embraced in such district, the number of children residing in such part, in the manner set forth in this section, and the remainder of the items specified in this section shall be embraced in the report made to the town in which the school house is situated.

Blank forms for the reports of district clerks are prepared by the state superintendent, with printed instructions in regard to the mode of filling them up, and are transmitted through town clerks to district clerks. These blanks will from time to time, require other information in addition to that specified in the above section, in order to enable the superintendent to lay before the legislature a full report of the educational affairs of the state. It is of the highest importance that the annual district reports should be promptly completed and deposited with the proper town clerk. Some explanations are given below in reference to the foregoing subdivisions.

The school year begins on the first day of July, and ends on the last day of June.

The law requires that the names of parents or other persons, with whom children to be enumerated reside, shall be written. The greatest care must be exercised in taking the census of the school children of the district. School money is apportioned on this census.

For remarks on *residence*, see commentary on sections 428 and 430. Mere *boarders* or *lodgers* are not to be included in the enumeration of pupils, for they are presumed to belong to families residing in some other district of the state; but persons who pay for their board and lodging by devot-

ing a part of the day to work, in the service of the household, while the rest is spent in attendance at school, and *who have no other legal residence*, are considered as constituting members of the family with whom they reside. It must be borne in mind that the enumeration of one year is the basis of the apportionment of the next, and hence, children should be enumerated in the district that is bound to furnish them instruction, that such district may receive an apportionment on their account, and care should be taken that the same children are not enumerated in two districts. (See remarks on section 430, under subdivision 12.)

Those children whose parents do not reside in this state, should be included in the school census, provided such children reside in a family of a district, and not in a mere boarding school or other establishment for the purpose of education. Children in an orphan asylum are deemed the wards of the incorporated association that has them in charge, and are not to be included in the enumeration. Children supported at public charge require a residence in the district where thus supported, and are to be instructed in such district. The law relating to this subject is section 512.

All persons more than four and less than twenty years of age, although themselves the masters or mistresses of families, are to be enumerated.

The whole number of children who have received instruction from legally qualified teachers since the first day of July of the year preceding, is to be stated, without regard to the fact of their attendance having been long or short, or of their parents having been residents or non-residents.

It is to be hoped that the annual reports will show few in attendance at school less than four years of age. All that children need to learn before they are six years of age ought to be taught them at home.

It is required that the whole number of days a school has been taught by a qualified teacher be stated, in order that the town clerk may apportion money to such districts only as have complied with the law. A district, to be entitled to share in the annual apportionment of the income of the school fund, must maintain a school at least six months of

twenty days each, including legal holidays, and such school must be taught by a legally qualified teacher.

The legal holidays in this state are New Year's day, the twenty-second of February, the thirtieth of May, the fourth of July, the day of general (or fall) election, Christmas day, and all days of thanksgiving which are appointed by national or state authority. By section 2577 of revised statutes it is provided, that whenever a legal holiday shall fall upon a Sunday, the succeeding Monday is a legal holiday. See comment on section 459.

The monthly wages paid to a teacher includes all expenses incurred by the district on his account for board. If the district boards the teacher, the cost of board is to be added to the amount of monthly pay, and the sum of the two items constitutes his monthly wages.

For directions in regard to making the annual report, the clerk will carefully study the blanks which are furnished by the Department of Public Instruction. In case a clerk fails to receive the blanks needed in time to make his annual report as required by law, he should, without delay, notify the state superintendent of the fact, that they may be sent.

The clerk of a joint school-district must report to the town clerk of each town, a part of which is embraced in his district, the number of children, male and female designated separately, over the age of four and under the age of twenty, residing in that part of the district lying in the town to the clerk of which the report is sent. Care should be taken not to report to any town clerk a greater number of children over four and under twenty years of age than reside in that part of the district lying within his town. In some instances, the whole number of children in a joint district is reported to each town clerk, causing the district to receive more than its share of school moneys distributed. This should be carefully avoided.

He must also report to each town clerk whose town embraces any part of the district, the number of days a school has been taught in his district by a legally qualified teacher during the year covered by the report. This is obviously



necessary to enable the town clerk to determine whether he can legally apportion money to the district.

In addition to the foregoing items, the clerk of a joint school district will report all the other items called for in the general blank, to the clerk of the town containing that part of the district in which the school-house is situated.

*As amended by Chapter 298, Laws of 1888.*

SECTION 463. Each town clerk shall, between the tenth and fifteenth days of August, in each year, make and transmit to the county superintendent of the county or district in which his town is situated, a report bearing date on the tenth day of said month, stating:

1. The whole number of school districts separately set off within the town, and the number of parts of joint districts, in which the school houses belonging thereto are located in his town.

2. The districts and parts of districts from which reports shall have been made within the time limited for that purpose.

3. The length of time a school shall have been taught in each such district, or parts of districts.

4. The amount of public money received in each.

5. The number of children taught in each, and the number of children over the age of four and under the age of twenty years residing in each.

6. The whole amount of money received in the town for school purposes since the date of the last preceding report, setting forth, separately, the amount received from the state through the county treasurer, the amount levied by the county board, and the amount raised by the town at its annual meeting.

7. The amount of money raised by district tax for school purposes.

8. The manner in which said moneys have been expended, and whether any and what part remains unexpended, with such other information as the state superintendent may require, and as may be reported to him by the district clerks.

Blank reports, prepared by the state superintendent, are annually sent to town clerks. Such instructions as are needed always accompany the blanks.

In towns which have adopted the "township system of school government," the report required in the foregoing section will be made by the "secretary of the town board of school directors," as provided in section 537 of the revised statutes.



*As amended by Chapter 293, Laws of 1883.*

SECTION 464. Each county superintendent shall, on or before the fifteenth day of ~~September~~, in each year, make and transmit to the state superintendent a report in writing, setting forth the whole number of towns in his district, distinguishing those from which the required reports have been made to him by the town clerks, and containing an abstract of their reports, and also embracing an abstract of the annual report of the secretary of each free high school in such district, and file a copy of such report in the office of the county clerk, and also within the time above mentioned, make and deliver to the county treasurer, a written statement of the whole number of children in each town over the age of four and under the age of twenty years, returned from districts which have maintained schools for five or more months during the past year, as appears from the reports of town clerks.

All necessary instructions accompany the blanks annually furnished to county superintendents from the office of the state superintendent. The greatest care should be exercised in making the annual report required by section 464, for it is upon it that the annual apportionment is made.

SECTION 465. The city clerk of each city, and the village clerk of each specially incorporated village, or the clerk of the board of education of each city and village under the jurisdiction of the county superintendent, shall, within the time prescribed, make and transmit to him the reports required by section four hundred and sixty-three; and in all cities having a superintendent of schools, and which are not under the jurisdiction of a county superintendent, such superintendent of schools shall make the annual report required by said section, directly to the state superintendent; and in such cities having no superintendent of schools, such report shall be made by the clerk of the board of education thereof.

The clerks of cities (under county superintendents) and of villages use the same blanks as town clerks, and receive the reports of the district clerk or clerks.

SECTION 466. The state superintendent shall, on or before the first day of June in each year, furnish to each clerk, superintendent, or other officer by whom a report should be made, blank forms upon which such officers shall make their annual reports; and whenever any amendments shall be made to the provisions of this chapter, he shall furnish a copy of such amendments to every school district in the state.

## VI. DUTIES OF TOWN CLERK AND TREASURER.

SECTION 467. It shall be the duty of the town clerk:

1. To report to the county superintendent within ten days after his election or appointment his name and post-office address, and likewise the name and post-office address of each district clerk, within ten days after the same are filed in his office.

2. To see that the annual reports of the several district clerks are made correctly and in due form; to file and safely keep all reports whatsoever made to him; and all orders and notices of the town board relative to any school-district.

3. To record such description of school-districts, and such orders concerning the organization, alteration, or dissolution thereof, as shall be made by the town board.

4. To make and keep in his office a map of the town, showing the exact boundaries of all the school-districts therein, as appear from the records on file; and when a new district is formed, to make and furnish a map thereof to the district clerk.

5. To apportion the school money collected by the town, on the third Monday of March, and that received from the state on the third Monday of June of each year, or as soon thereafter as the same shall be collected or received by the town treasurer, to the several districts and parts of districts within the town, as provided in these statutes.\*

The duties here devolved upon the town clerks have an intimate connection with the welfare of the public school system, but need no special comment other than that in the election of town clerks the electors will do well to select persons, if practicable, who are not only competent to perform clerical duties efficiently, but who take a deep interest in the public school system.

The further duties of the town clerk as to the apportionment of school money, are embraced in sections 558 and 559.

SECTION 468. It shall be the duty of the town treasurer:

1. To apply for and receive from the county treasurer all moneys apportioned for the use of common schools in his town, and to pay the same, together with all the moneys collected in the town for the support of schools, to the treasurers of the districts entitled to receive them, upon the order or apportionment of the town clerk.

\* See Form No. 26.

2. To pay the district treasurer on demand all school-district taxes raised in each district, and collected by him, and the amount of all school-district taxes returned to the county treasurer of his county as delinquent, whenever the same shall have been paid to him by said county treasurer, or whenever he shall receive credit from the county treasurer for such delinquent tax or any part thereof, on account of any demand or claim due from such town to such county.

3. On or before the second Monday of March in each year, to certify to the town clerk the amount of school money in his hands, to be apportioned by said clerk, and immediately upon the receipt of any money from the school fund income, to certify the same to the said clerk for apportionment.\*

4. On the last Monday in June in each year, to make and forward to the clerk of each school-district, in whole or in part, in his town, a certified statement of the amount of money paid by the town treasurer during the year next preceding, to such district treasurer, specifying the date and amount of, and the account upon which each such payment was made.

5. If the county treasurer shall neglect or refuse to pay over the school money, which by law should be paid to the town treasurer, he shall commence and prosecute an action on the official bond of such county treasurer for the recovery of such money.

The town treasurer will hold, subject to the order of the several district treasurers of his town, all district taxes collected by him. Also, all money raised by taxes levied upon the town by the county board of supervisors, and all money raised by the town in addition thereto, and pay the same over to the several district treasurers, according to the apportionment made by the town clerk under the law. He will also receive from the county treasurer the amount apportioned by the superintendent of public instruction to his town, out of the income of the school-fund, and pay the same over to the district treasurers according to the apportionment made by the town clerk. The town treasurer will also receive all money paid on account of delinquent taxes, and pay the same over to the proper district treasurers. No school taxes except district taxes will be returned, if the law is complied with.

It is the duty of the town treasurer to notify the town clerk of any money which he holds subject to apportionment by said town clerk, and to inform district treasurers

\* See Form No. 27.

promptly of any funds in the town treasury belonging to the respective districts.

District treasurers are not required to accept any taxes or school funds from the town treasurer in anything but cash.

The certificate required to be made on or before the second Monday in March, in each year, must state specifically the several amounts received from town and county tax, and the amount of income unapportioned which remains in the town treasury; it must also include any money apportioned the previous year, which has not been paid over to the district treasurers. Reference is here made to section 557.

The purpose of the certified statement to the district clerk of the amount of money paid by the town treasurer during the year next preceding, to the district treasurer, is to give the district clerk the data upon which settlement with the district treasurer can be made in time for report at the annual meeting. As the annual meetings are now held on the first Monday in July, the statement should be furnished earlier.

## VII. DISTRICT TAXES.

SECTION 469. All school-district taxes, unless otherwise specially provided by law, shall be assessed on the same kinds of property as taxes for town and county purposes; and all personal property which, on account of its location or the residence of its owner is taxable in the town, shall, if such locality or residence be in the school-district, be likewise taxable for school-district purposes.

SECTION 470. Whenever any real estate in any school-district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the town clerk shall estimate the value of the same in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

SECTION 471. In case of a joint district, the town assessors of the towns in part embraced therein shall meet at the district school-house on or before the Saturday next preceding the time fixed for the return of the assessment rolls, and shall then compare the valuation of taxable property in the several parts of such district separated by town lines, and determine whether the relative valuation be just or not; if considered unjust, they shall then determine the relative



proportion of district taxes to be assessed upon the several parts. If they cannot agree upon either of said matters, they shall call to their aid the supervisors of the several towns so in part embraced; if the assessors and supervisors cannot determine the question, they shall call to their aid the chairman of an adjoining town, whose vote shall decide the controversy. The determination when made shall be certified in writing to the district clerk. If any assessor or supervisor shall refuse or neglect to act when called on as above provided, he shall forfeit twenty dollars.\*

Several sections are here brought together by the revisers from different parts of the former school code, which should be carefully examined by the officers concerned.

*As amended by Chapter 241, Laws of 1885.*

SECTION 472. Each district clerk shall on or before the third Monday of November in each year, deliver to the town clerk a statement in writing verified by his affidavit, showing the amount of taxes voted to be raised at the last annual meeting, or at the first meeting after the organization of the district, or both, as the case may require, and all taxes voted at any special meeting held during the then next preceding year, and also the amount of tax theretofore voted to be collected in such year, if any, for the annual payment on any loan, and also the amount to be paid by such district, if any, under the provisions of section four hundred and twenty-one. In case of a joint district, he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of such taxes to be assessed in that part of the district within such town. If such proportion shall not have been determined as provided in the last preceding section, it shall be ascertained from the valuation contained in the last assessment rolls of the respective towns; and to that end the town clerk of each such town shall on or before the last Monday in September in each year, deliver to the district clerk a certified statement of the valuation of the real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.†

Chapter 305 of the general laws of 1881, changed this section so as to require each district clerk to deliver his statement to the town clerk on or before the last Monday of October in each year; the revision of the statutes changed it to the *third* Monday. The section as now amended, restores the section as originally enacted in the

\*See Form No. 29.

† See Forms Nos. 30 and 31.



statutes of 1878, in that particular, and changes the provision relating to the time when town clerks shall furnish district clerks of joint districts a statement of the valuation of property in the district, or part of district, to "on or before the last Monday in September."

SECTION 473. The town clerk shall assess the taxes so ascertained, upon the property liable thereto, placing the same in a separate column, in the next tax roll of his town, whenever so certified before he shall have delivered the roll to the town treasurer for collection, although after the third Monday in November; if any such shall not be assessed in the next tax roll after being voted, it shall be assessed in that of the next succeeding year. Such taxes shall be collected or returned delinquent by the town treasurer and collected by the county treasurer in all respects like other taxes.

Upon the delivery to him of such statement, the town clerk should give the district clerk a certificate that he has received the same, stating the amount of the tax, and the time when received, which certificate should be filed in the office of the district clerk.

#### TOWN SCHOOL TAXES.

Only those towns which have adopted the township system, now have power to vote a town school tax. This power was given to all towns, under section 2, of chapter 15, of the revised statutes of 1858. It was also embodied in section 76, of the revised school code of 1863. In 1876, the power was eliminated from section 2, of chapter 15, of the revised statutes, but section 76, of chapter 155, of 1863, was left unaltered. In the statutes as newly revised, no authority is to be found, either in the powers conferred upon towns, or in the school code, under which towns can vote a school tax, except such towns as have adopted the township system. This is much to be regretted, as such a tax tends to equalize the burden of sustaining the schools of a town, which is especially desirable, where wealth and population are unequally distributed. With the general introduction of the township system, the local support of schools would be a common town charge. Care should be taken not to include in the blank for report, in the financial statement of district clerks, the amount raised in the town as a county school tax in the

item "From tax levied at annual town meeting." That item is for use only where the township system of school government is in use.

## VIII. BORROWING MONEY.

SECTION 474. Whenever upon any unusual exigency any school district shall, before the annual meeting, vote a special tax to be collected with the next levy, the district may, by vote, authorize the district board to borrow, for a period not exceeding one year, a sum not exceeding the amount of such tax, and by such vote set apart such tax when collected to repay such loan; and thereupon, the district board may borrow such money of any person, and on such terms, and execute and deliver to the lender such obligation therefor, and such security for the repayment, including a mortgage or pledge of any real or personal property of the district, subject to the directions contained in the vote of the district, as may be agreed upon, and not prohibited by law.

It will be seen that sections 64 to 75, inclusive, of the former school code, are omitted from the revision, and the preceding section put in their place. The district may, at any time before the annual meeting, upon any unusual exigency, vote a special tax to be collected with the next levy (notice of such purpose being duly given, as provided in section 427), and the district may authorize the board to borrow the same amount for immediate use.

SECTION 475. For the purpose of aiding in the erection of a school-house, any school-district may, by vote at an annual or lawfully called special meeting, authorize the district board to borrow money. The resolution to be voted on shall be in writing, specifying the amount to be borrowed, the rate of interest, and the time and manner of payment, which shall be in annual installments, the last of which shall be payable in not exceeding ten years from the first day of February next ensuing. Such resolution shall be read to the meeting and the vote taken thereon by ballot. The ballots shall be written or printed; those in favor, "for the loan;" those opposed, "against the loan." The resolution and the vote shall be recorded, and if adopted by a majority, the district board shall be thereupon authorized to borrow such sum of any person, on such terms, and execute and deliver to the lender such obligation therefor and such security for payment, including a mortgage or pledge of any real or personal property of the district, subject to the direction contained in the resolution voted, as may be agreed upon, not

prohibited by law, and shall also levy a tax to be annually collected thereafter, sufficient to pay the interest annually on such loan, and the annual installment of the principal provided to be paid in each year.

SECTION 476. The money borrowed under authority of either of the last two preceding sections shall be paid into the district treasury, and be expended only for the purposes for which it was voted or borrowed. After any such loan shall have been made, no power shall exist to rescind or reconsider any such vote, or obstruct the collection of such tax; and the district treasurer shall apply every such tax when received by him, exclusively to the payment of such debt so far as necessary to discharge the amount to which such tax was devoted.

The special provisions of the law as to borrowing money to aid in building a school-house, should be carefully examined and complied with; likewise those contained in the last preceding section, which apply to both the sections preceding it. Particular care should be taken to notify the electors, as provided in section 427, and every opportunity should be given for a fair and full expression of the will of the people.

#### LOANS FROM THE TRUST FUNDS.

Section 258 of the revised statutes authorizes the commissioners of school and university lands to make loans from the trust funds of the state to school-districts for the purpose of erecting school buildings therein. Application may be made to the *Land Commissioners*, at Madison, for information, blanks, etc. The rate of interest is seven per cent. The law governing such loans is embraced in the following sections:

SECTION 261. Every loan to a school-district may be made for such time, not exceeding ten years, and of such amount, which, together with all the other indebtedness of the district, shall not exceed five per centum of the last preceding assessed valuation of the real property in such district, and not exceeding in any case ten thousand dollars, as may be agreed upon; the principal shall be payable in equal annual installments from a time fixed by said commissioners, with interest at the rate of seven per centum annually in advance. No such loan shall be made until proof be filed in the office of said commissioners of the complete performance on the part of such district of each and every act hereinafter required to precede the same.

SECTION 262. Before applying for such loan, every such school-district shall authorize such application by a vote of a majority of the legal voters of said district, voting on such question, and shall vote in like manner to raise by tax to be levied and collected within two years thereafter, a sum equal to at least one-half of the amount of such loan to be applied for, to be used in addition to such loan, in erecting school buildings in such district; and if, at a special meeting, the objects of such meeting shall be clearly stated in the notice thereof, and such district shall not thereafter rescind said tax, reconsider such vote, or in anywise hinder, delay, or postpone the levy and collection of the tax so voted, and shall not expend the money so raised or loaned for any other purpose. Application for such loan shall be made by the district board of such school-district, in writing, stating the amount required, the assessed valuation of the taxable real property of such district, and the total assessed valuation of the taxable property of such district, as shown by the last assessment roll; and if such district be a joint district, such assessed valuations in its several parts separately, so that the valuations of so much thereof as lies in each town of which it is a part, may be readily known, and the total amount of all the other indebtedness of such district, and the facts in detail in respect to the holding of the meeting and passing the votes required, as aforesaid, and shall be accompanied by a correct map or plat of such district. Such application and map shall be recorded in the office of said commissioners; and such application, and the record thereof, and such statement shall be conclusive evidence of the facts therein stated. All such applications shall be acted upon by the said commissioners in the order of time in which they shall be filed.

SECTION 263. All the taxable property in any school-district which has heretofore obtained or shall hereafter obtain any loan from the state, shall stand charged for the payment of the principal and interest thereof; and the boundaries of such district shall not be so altered as to exclude therefrom any land included therein at the time of making such loan, until such loan shall be fully paid, without the consent of said commissioners and upon such terms as they shall prescribe; and there shall be annually levied upon the taxable property of such district, besides all other taxes, a tax sufficient to pay the annual interest, and annual installments of principal, of such loan as hereinafter provided. Whenever a joint school-district shall make any such loan, the clerk of such district shall notify, in writing, the town clerks of the several towns of which such district is composed, of such loan and the terms thereof; and thereafter the town clerk of each town shall, on or before the second Monday of September in each year, until such loan be paid, transmit to the secretary of state a statement certified by



him of the valuation of all taxable property belonging to that part of such district which lies in his town, according to the last assessment roll; or if the same shall have been equalized, as provided in section four hundred and seventy-one, such equalized valuation thereof. The secretary of state shall in every year furnish to the county clerk of each county in which lies any such school-district, or part of district, from which any such payment is to become due, the amount to be levied upon such district, or, if a joint district, upon each such part of such district as lies in any town in such county, at the same time as he furnishes that officer a statement of the state tax. In apportioning such tax to the parts of a joint school-district lying in separate towns, the secretary of state shall take, as the true valuations, the valuations of the taxable property stated in the application for such loan, until amended by the certified statements aforesaid of the town clerks of all the towns in which such joint district lies. The county clerk on receiving such statement shall include the amount due from such district, or part of district, in his apportionment of state taxes to the town; but it shall be carried out in a separate column, and the district from which it is due shall be specified. The town clerk shall charge and carry out such amount on his tax roll to the district, or part of district to which it belongs in a separate column, and the tax shall be collected and paid over with and in the same manner as the state tax.

## IX. ESTABLISHMENT OF SCHOOL-HOUSE SITES.

SECTION 477. Whenever a school-district shall have designated by a majority vote of the electors thereof present at an annual meeting, or at a special meeting called for that purpose, a school-house site, or an addition thereto, and shall be unable to obtain the same on account of the refusal of the owner to sell or lease the same for a just and reasonable compensation, or on account of his being a non-resident, or unknown, the district board, when directed so to do by a vote of the electors of such district meeting, shall make application to the town board of their town to locate and establish the site, or any addition thereto, so designated.

SECTION 478. Whenever any such application shall be made to the town board, said board shall make and sign a notice in writing of such application, containing a description of the land upon which it is proposed to locate such a site or addition, and the time and place when and where they will meet to decide upon the same. Such notice shall be served or caused to be served by the district clerk, upon all the occupants of such land, and all the owners thereof who are known and are residents of this state, at least six days' previous to the day fixed for such meeting. Such notice shall



be served by delivering a copy thereof to each such occupant and owner, or by leaving the same at their respective residences, with some person of suitable age and discretion; and if the owner or owners of said land be unknown to said board, or shall reside without this state, then such notice may be served by publishing the same in the newspaper published nearest said land, once in each week for six successive weeks next before the said day of meeting.

SECTION 479. The town board shall meet at the time and place fixed in said notice, and upon due proof of the service or publication of said notice, they shall locate and establish such site or addition for said district. They shall cause an accurate survey and description thereof to be made, and fix and award the compensation to be made to the respective owners for the same, including all damages respectively sustained by such owners by reason of such taking of said lands, and within ten days thereafter make out and sign duplicate certificates, containing a statement of their action upon such application, an accurate description of the land taken, and the amount of compensation and damages awarded to each of said owners, one of which shall be delivered to the occupant or owner of the lands so taken, if known, and a resident of this state, and the other, together with the proofs of publication or service of said notice and such survey, to the clerk of said district, who shall cause said certificate to be recorded in the office of the register of deeds of the proper county; provided, that said board may, in their discretion, before agreeing upon their award, adjourn from time to time, not exceeding in all ten days.

SECTION 480. The sum of money so awarded by said board shall be paid to the owner of the land upon which such site or addition is located, or in case the owner is a non-resident or unknown, or refuses to accept the money, it shall be deposited with the treasurer of the district, to the order of the owner of said land; said district shall not occupy said land without the consent of the owner thereof, until such money shall be paid, tendered, or deposited, as aforesaid.

SECTION 481. Any person aggrieved by the decision of the town board, in the award of damages or otherwise, may, within twenty days after filing their duplicate certificate with the clerk of such district, appeal therefrom to the circuit court of any county in which such site or addition or any part thereof is situated, by filing with such clerk a notice of appeal, specifying all the grounds of his appeal, and paying to such clerk one dollar for state tax and one dollar for making return thereto. Within twenty days thereafter, such district clerk shall deliver to the clerk of said circuit court a certified copy of such certificate, together with such notice of appeal, with the date of service thereof indorsed thereon, and pay to him one dollar state tax; and thereupon the clerk of said court shall enter an action in his court record, in which the said

appellant shall be plaintiff and the school-district defendant. The issues in said action shall be the legality of all the proceedings taken by the school-district and town board in taking the lands of the plaintiff for such school-house site or addition thereto, which are set forth in the notice of appeal as grounds therefor, and the amount of compensation and damages to which he is entitled therefor. Such issues shall be tried without further pleadings, as other issues of fact are tried, and judgment thereon be rendered and enforced as in other personal actions in said court; provided, that when the legality of the proceedings is not made an issue, or is sustained, and the plaintiff does not recover a larger sum for damages than was awarded to him, he shall not recover, but shall pay costs.

SECTION 482. No school-house site shall contain more than one acre, unless with the consent of the owner of the land taken therefor. All lands so taken against the will of the owner, when it shall cease to be used as a school-house site or addition, shall revert to the original owner, his heirs, or assigns, and no lands shall be so taken that may not be taken for highway purposes, without the consent of the owner thereof.

SECTION 483. If such application be made by a joint district, it shall be made to the town boards of the several towns in which such district is situated, and such town boards shall act together as one board in all proceedings as hereinbefore prescribed.

SECTION 484. Whenever any school-district shall locate a site for a school-house upon any land owned by an infant, or in which an infant has an interest, the circuit or county court of the county in which the land is situated, may, upon application of the parent or guardian of such infant, authorize such parent or guardian to execute a perpetual lease of such site, not exceeding one acre in quantity, and when any such land is held in trust for an infant, his trustee may in like manner apply for authority to make such perpetual lease. All such leases shall vest in the lessee the interest of such infant and of his trustee in such land, so long as the same is occupied for school purposes. Such authority shall not be granted unless it shall be made to appear satisfactorily to said court that the premises are needed for school purposes, that the said school-district is willing to pay therefor a consideration deemed adequate by the court, and that the interest of such infant will not be prejudiced by reason of said lease; and before making such order the court shall require the person authorized to make such lease to give a bond to account for and pay over the consideration received therefor, as in cases provided by law for the sales of lands of minors.

The foregoing sections embody the laws in force as to the establishment of school-house sites. The town board is to

be called upon, not to select or designate a site in any case, but to locate and establish the same, or any addition thereto, when the district cannot obtain it, on reasonable terms, or because the owner is a non-resident.

The last section points out the course to be pursued when the site selected is on land owned by an infant, or in which an infant has an interest.

## X. LIBRARIES.

SECTION 485. The clerk of the district, or such other person as the legal voters shall appoint, shall be the librarian, and have the care and custody of the district library, under the supervision of the district board. All actions relating to such libraries, or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the proper school-district.

SECTION 486. The legal voters of any two or more adjoining school-districts may, with the approval of the town board, unite their libraries and library money, and may purchase a joint library or additions thereto for such districts, to be selected by the district boards thereof or by such person as they shall designate, and to be under charge of librarians to be appointed by such district boards. Every such joint library and its appurtenances shall be vested in, and all actions relating thereto shall be brought in the names of all the districts owning such joint library. In case such district shall desire to divide any such joint library, such division shall be made by the directors of the districts owning the same, or by the town supervisors, if such directors cannot agree; and any school-district may donate and sell any book or books belonging to the district library, to the town in which it is situated, to form a part of the town library.

### REGULATIONS.

The following regulations for the management of school-district libraries, are prescribed by the state superintendent, under the authority of section 166 of the revised statutes:

1. The district librarian shall have charge of the library, and keep a catalogue of all the books in the library under his care, in a book to be provided by the district for that purpose.

2. Every volume in a library shall have pasted on the inside of the cover a printed paper, specifying the name of the

district; the number of the volume; the fine for not returning it within the specified time, and for the loss of or injury to any book. Blanks for this purpose will be furnished to districts upon application to the state superintendent.

3. Every volume loaned shall be entered by the librarian in a book, to be provided by the district for that purpose, by its number, with the day on which it was loaned; the name of the borrower, and the name of the person to whom it is charged (see regulation 5); the date when returned, and condition of the book; the fine assessed for detention, or injury done to the book, in the following form:

Time of delivery.	No. of book.	To whom delivered.	To whom charged.	When returned.	Condition of book.	Fine for detention	Fine for injury.
1880. June 10....	41	Jno. Ward.	W. Green.	June 24.	Good.	.....	.....

4. No person shall be allowed to have more than one volume at a time, or to retain the same longer than two weeks; nor shall any person who has incurred a fine imposed by these regulations, receive a book while such fine remains unpaid.

5. Books may be loaned to minors and charged to their parents, guardians, or other persons with whom they reside, who shall be responsible for the books under these regulations.

6. On the election of a librarian, his predecessor shall, within ten days thereafter, deliver to him all the printed and manuscript books, pamphlets, papers, cases, and all other property belonging to the library which was in his custody, for which the librarian shall give him a full receipt, discharging him from all responsibility therefor, except in the case herein provided; and on receiving the library property, the librarian shall carefully examine all books, etc., and if any loss or injury shall have been sustained, for which a fine has not been imposed by his predecessor, or for which a fine has been imposed and not certified by him to the treasurer, the librarian shall certify the amount thereof to the treas-



urer, who shall collect the same of such predecessor in the same manner as other fines are collected.

7. In case of vacancy in the office of librarian, the district clerk shall perform the duties of librarian until the vacancy is filled.

8. If any person, having held the office of librarian, shall neglect or refuse to deliver to his successor all the library property, as prescribed in the sixth regulation, the director shall forthwith commence an action in the name of the district board for the recovery of the property he shall so neglect or refuse to deliver.

9. On the return of every book to the library, the librarian shall examine it carefully, to ascertain what injury, if any, has been sustained by it, and shall charge the amount of the fine accordingly; and in every case of injury not specified in these regulations, he shall assess the amount of damages to be paid, subject to revision by the district board.

10. The following fines are established by the state superintendent, viz.:

1st. For detaining a book beyond two weeks, five cents per week.

2d. For the loss of a volume, the cost of the book; and if one of a set, an amount sufficient to replace it, or to purchase a new set.

3d. For a leaf of the text torn out or lost, or so soiled as to render it illegible, the cost of the book.

4th. For any injury beyond ordinary wear, an amount proportionate to the injury, to be estimated by the librarian.

5th. Whenever any book shall not be returned within six weeks from the time it was loaned, it shall be deemed to be lost, and the person so detaining it shall be charged with its cost in addition to the weekly fine for detaining the book, up to the time such charge is made. But if the book is finally returned, the charge for loss shall be remitted; and the fine for not returning the same be levied up to the time of such return; *provided*, that in no case shall the amount of weekly fines exceed double the cost of the book.

11. On the third Monday of August, November, February, and May, and also immediately before he vacates his office,



the librarian shall report to the district treasurer the name of every person liable for fines, and the amount each such person is liable to pay; and the treasurer shall give the librarian a certificate of the same, and immediately proceed to collect the same, and if not paid shall so certify to the director, who shall forthwith bring an action in the name of the district board for the recovery thereof.

12. All library fines shall be paid to the district treasurer, who shall keep account of the same, and shall report thereon to the annual district meeting, giving the name of each individual fined, the amount of the fine, and the sum total of all fines, which report shall be recorded by the clerk; and the district treasurer shall be responsible for all fines uncollected through his neglect.

13. On the first day of September in each year, the librarian shall report to the district clerk as follows:

- 1st. The number of volumes in the library;
- 2d. The number of volumes purchased during the year;
- 3d. The number of volumes presented during the year;
- 4th. The number of volumes loaned during the year [*counting each volume once for each time it is loaned*];
- 5th. Amount of fines collected;
- 6th. Amount of fines expended.
- 7th. Amount of fines remaining unexpended.

14. The library fines collected must be first applied to the replacing of lost volumes, binding pamphlets, and rebinding such books as may require it.

15. In case of joint libraries, the reports required above shall be made to the officers of the district in which the library is located.

#### TOWN LIBRARIES.

As districts may donate or sell their books to the town, to form part of the town library, the provision of the statutes in regard to town libraries is given :

SECTION 776. The qualified electors of each town shall have power at any annual town meeting :

4. To vote by ballot to establish a town library for the use of the people thereof. In taking such vote the electors voting in favor thereof shall vote a separate ballot containing the

words, "for a town library," and those voting against, a separate ballot containing the words, "against a town library," and when established, to make all by-laws, rules, and regulations for the management thereof, and raise a sum not exceeding one hundred and fifty dollars in any one year for the purpose of purchasing books, furnishing a place to keep such library, and paying the librarian for his services, to be expended under the direction of the town board.

## XI. JUDGMENTS AGAINST SCHOOL DISTRICTS.

SECTION 487. No execution shall issue on any judgment against a school-district, except upon leave of the court, upon motion, after the failure of the remedies provided in these statutes.-

SECTION 488. Whenever a final judgment shall be obtained against any school-district, the judgment creditor, his assignee or attorney may file with the town clerk a certified transcript of such judgment, or of the docket thereof, together with his affidavit, showing the amount due thereon, and all payments, if any, and that the judgment has not been appealed from or removed to another court, or if so appealed or removed, has been affirmed; and thereupon the town clerk shall assess the amount thereof, with interest from the date of its rendition to the time when the warrant for the collection thereof will expire, upon the taxable property of such district, placing the same in a separate column on the next tax roll; and the same shall be collected and returned as town taxes are, and paid to the party entitled thereto. In case of a judgment against a joint district, a transcript and affidavit as aforesaid shall be filed with the clerk of each town in which any part of the district is situated, and the town clerk in each town shall assess on the taxable property of the part of such district situated in his town, the same proportion of the whole amount, with interest as aforesaid, as is assessed on such part for the other district taxes in such year. Such proportion may be ascertained by the certificate of the district clerk, or the certificate of the several town clerks interested to each other, showing the amount of other district taxes certified by the district clerk to each town clerk. Whenever, for any cause, the amount which ought to be assessed on any such district or part of district, as above provided, shall not be so assessed in the next tax roll after the filing of such transcript and affidavit, the town clerk shall assess the same on the next or any subsequent tax roll within two years thereafter.

SECTION 489. Whenever an appeal shall be taken from any judgment against a district, and a transcript thereof and affidavit shall have been filed, as above provided, the director may file a certificate of such appeal with the town

clerk, and thereupon he shall suspend the assessment of such judgment, until the determination of such appeal. If such judgment be thereafter affirmed, on proof thereof by certificate of the clerk of the appellate court, the town clerk shall assess the same, with interest, in the next tax roll.

The property belonging to the district is not liable to levy or sale upon an execution. Under the rendition of any judgment against a school-district, a transcript of the same is to be filed with the town clerk, or, if the district be a joint district, with the clerk of each town in which such district is in part situated. The town clerk is then required to assess the amount of the judgment, with interest thereon, in a separate column, in the next assessment roll, and the tax, when collected, shall be paid to the party entitled thereto.

## XII. FREE HIGH SCHOOLS.

The law relating to free high schools underwent several amendments, in the revision of the statutes, but some of these amendments not proving satisfactory, the law underwent further modifications at the sessions of 1879, 1882, 1883 and 1885. The several sections, as now in force, are given below, with comments upon each:

*Sections 490, 491, 492 and 493, Revised Statutes, as amended by Chapter 245, Laws of 1879.*

**SECTION 490.** Any town or incorporated village or city, or school-district which contains within its limits an incorporated village, or which has a graded school of not less than two departments, with not less than twenty-five pupils prepared to begin a high school course, may establish and maintain not exceeding two high schools in the manner and with the privileges herein provided. The question of establishing such schools may be submitted by the town, school-district, or village board, or common council, at any annual or duly called special meeting, or election, upon written resolution therefor, proposed for adoption: *provided*, notice of such purpose, embodying such resolution, be given in the manner provided for notifying a special district meeting, town meeting, or charter election. The vote shall be taken by ballot, and canvassed according to the statutes for conducting elections in such municipality, those ballots in favor being written or printed "for high school," those opposed, "against high school." If the resolution be adopted, such towns, school districts, village, or city, shall constitute a high

school district. But no city, incorporated village or school-district, in which a high school heretofore established has been reported, recognized and aided as a free high school, shall be required to take any vote on the resolution provided for in this section, but may continue to report and receive aid, on due compliance with the law in other respects.

Under this section, as amended, any district having a graded school of "not less than two departments" may establish a free high school, as well as any town, city, incorporated village, or district containing an incorporated village; but the restriction is imposed that there must be not less than twenty-five pupils prepared to begin a high school course, before a high school can be established under the law.

Hereafter, in each municipality proposing to establish such a school, a vote must be taken; but this does not apply to any case in which a school has already been recognized under the law, and received aid. Such schools will continue to be recognized on due compliance with the law in other respects.

SECTION 491. Two or more adjoining towns may unite in establishing and maintaining any such high school. The resolution proposing the same shall be approved and submitted, and the notice of election signed by at least two supervisors of each town, and the election shall be notified and conducted in each town as provided in the preceding section. Such resolution shall not be adopted unless a majority of the votes cast in each town be in favor thereof. The votes shall be canvassed at the first election and all subsequent elections in the several towns, as at town meetings; and the supervisors of the several towns proposing to unite, shall, within one week after such elections, meet and canvass the votes, and certify the result to the town clerk of each town. If such resolution be adopted, the several towns so voting to unite shall constitute a joint high school-district.

In the revision of the statutes, this section, which was section 2 of the original law, has been amended by requiring that the resolution proposing the establishment of a school by the joint action of two or more towns, "shall be approved and submitted, and the notice of election signed by at least two supervisors of each town." Towns thus uniting in the establishment of a school form a joint high school-district.



The privilege is no longer granted to one or more districts to establish a school where the town declines to do so, but is confined to districts already having a graded school, or embracing an incorporated village, as provided in section 490.

SECTION 492. The officers of each such district shall be a director, treasurer, and clerk, whose term of office shall be each three years, beginning with the annual town meeting, and until his successor shall have been chosen or appointed; *provided*, that at the first election the clerk shall be chosen for one year, the treasurer for two years, and the director for three years; and all of said officers may be chosen first at the same election at which the question of establishing a high school is submitted, to take their offices if the resolution therefor be adopted. Thereafter, such officers shall be elected at the annual town meeting or charter election. The votes cast shall be canvassed, and the results declared and certified, as provided in the preceding sections. But in all cities not under a county superintendent, which now constitute free high school-districts, or which shall hereafter adopt the resolution provided for in section four hundred and ninety, and become free high school-districts, the board of education in each such city shall be the high school board, and the city treasurer shall be, *ex-officio*, the treasurer of the high school-district, unless the board of education embraces a treasurer; and in all districts maintaining a graded school of not less than two departments, which now constitute free high school-districts, or which shall hereafter adopt said resolution, the district board in each such district shall be the high school board; and the district treasurer shall be the treasurer of the high school-district.

SECTION 493. The officers aforesaid shall constitute the high school board, and, as such board and such officers, shall conduct the affairs of such high school-district on the same general plan provided for a school-district, and shall have and possess, with respect to such high school-district, all the powers, including all such as may be conferred by vote of a district meeting, and be charged with all the duties, conferred and imposed in these statutes on the district officers and district board of a school-district, applicable to such high school-district; the treasurer shall give a like bond, to be approved and filed in a similar manner. The high school-district clerk shall make a similar report to that provided in section four hundred and sixty-two, omitting the first subdivision. They may grade such school and establish the branches of study to be taught therein, under the advice of the State Superintendent. Every forfeiture and punishment enacted against neglect or violation of duty in a school-district officer, shall be held equally to apply to a high school-district officer for like neglect or violation. The reports of free high schools in cities not under a county superintend-



ent, shall be included in the reports from such cities to the State Superintendent, made by the city superintendent or clerk of the board of education.

These two sections combine sections three, four, five, six, and nine of the former law, omit some provisions, and, as amended, simplify the election of officers and the constitution of the board. The officers, if elected, are to bear the same names and to be elected for the same terms, as ordinary district officers. In the independent cities, the board of education is to be the high school board; in single districts, the district board is to be also the high school board. The duties of the several officers, and of the board are similar to those of district officers and boards. There are special provisions as to the treasurer. The clerk is to make a report, which will be sent to the proper county superintendent, as formerly provided in section ten of the high school law; but in independent cities, the report is embodied in the report of the city superintendent, or of the clerk of the board of education, if there be no superintendent. The course of study is established under the advice and consent of the State Superintendent, as farther provided in the next section; and in addition to the general report above mentioned, a financial report is to be made in duplicate to the State Superintendent, as provided in section 496. Blanks for both reports are furnished from the office of the State Superintendent.

*Section 494, Revised Statutes, amended by chapter 245, Laws of 1879, and chapter 146, General Laws of 1891.*

SECTION 494. All such high schools shall be free to all pupils resident in the district. Every principal of any high school hereafter elected or appointed shall be a graduate of some university, college or normal school, or shall hold a state certificate, or shall pass an examination in the studies required to be taught in any such school; and the high school boards or boards of education having charge of such schools shall determine, with the advice and consent of the State Superintendent, the course of study and minimum standard of qualifications for admission to the same.

*Chapter 325, laws of 1883, as amended by chapter 242, laws of 1885.*

SECTION 1. The state superintendent shall prepare a course or courses of study suitable to be pursued in free high schools, publish the same, and furnish them upon application for the information of localities contemplating the maintenance of free high schools. He shall exercise such personal supervision and make such personal inspection of the work of all free high schools organized under the provisions of the statutes of this state as they seem to require and other duties of this office may warrant; and he may call to his assistance in the work of inspection and supervision of free high schools, the professor of theory and art in the university, and occupy so much of his time as will not interfere with a proper discharge of his duties in connection with the university; he shall examine or cause to be examined, all teachers of high schools required by law to pass a special examination to qualify them for teaching in high schools, and grant certificates to such as pass examinations satisfactorily, which certificates shall be in such form and for such time as he may prescribe, and shall authorize the holders to teach in such special place or places, or in the whole state as the qualifications of the candidate may warrant. The courses of study herein authorized to be prepared shall include instruction in the theory and art of teaching, and organization, management and course of study of ungraded schools, and all examinations of teachers shall include examinations upon these subjects.

SECTION 2. The state superintendent shall furnish suitable blanks for annual and special reports for all free high schools, which shall include the number, age and sex of all pupils enrolled, the number in each class or year of the course of study, the number pursuing English branches only, the number completing the course of study each year, and such other statistics as may be deemed necessary.

The free admission of all resident pupils is based, of course, on ability to pass the required examination.

The ambiguity in the law relating to the examination of principals who are not graduates of the schools mentioned, or do not hold state certificates, and also relating to the supervision of free high schools, is removed by the law of 1883.

These schools are now determined to be under the personal supervision of the state superintendent. The examination of teachers required to be examined is also to be made under the direction of the state superintendent, and certificates of different grades may be issued by him. By the provisions

that the courses of study shall include instruction in theory and art of teaching, organization, management and course of study of ungraded schools, and that examination of teachers shall include examination upon these subjects, public recognition is made of the fact that one of the legal functions of free high schools is to prepare for teaching in the common schools of the state.

As a rule, these examinations will be conducted by county or city superintendents in the locality where the teacher is to be employed, under regulations prescribed, and the papers written will be transmitted to the state superintendent. The grade of certificate issued thereon will be determined by the chaacter of the papers, the age, experience and success in teaching of the applicant.

The course of study to be pursued and the standard for admission to the school are to be determined with the advice and consent of the state superintendent. Three courses have been arranged, and published in pamphlet form, with the text of the law relating to free high schools, and comments thereon, which will be furnished on application to localities proposing to establish free high schools. It should be understood that any modification of the prescribed courses of study must have the approbation of the state superintendent.

SECTION 495. The high school board shall annually, on or before the second Monday in September, meet and determine the amount necessary to be raised by tax for the support of such high school, and certify the same to the proper town, city or village clerk; if a joint high school-district, they shall certify to the town clerk of each town the proportionate amount thereof to be raised by such town, such proportion to be determined according to the total valuation of all the taxable property in such town as equalized by the town boards of review. Such tax shall be assessed on the next tax roll by such clerk or other officer making the same, and collected and returned as other taxes, and paid to the high school-district treasurer. Such moneys shall be paid out only on orders drawn and countersigned as prescribed in case of school-districts. Any town which is a single high school-district, may, by resolution adopted at the annual town meeting, limit the amount to be raised for high school purposes in such town, during such year. In case of a joint high school-district, the town boards of the several towns embraced may,

by a joint resolution adopted by all such town boards, before the first day of July, likewise limit the amount to be raised in such district.

The certificate of the amount necessary to be raised for the support of the high school, is to be made in September, instead of July, as formerly. Towns having a high school may, by vote, limit the amount to be raised; and in case of a joint high school-district, the town boards may limit the amount.

*Section 496, Revised Statutes, amended by Chapter 245, Laws of 1879, Chapter 273, Laws of 1883, and Chapter 420, Laws of 1885.*

SECTION 496. Any high school-district which shall have established a free high school, according to the provisions of these statutes, and shall have maintained the same for not less than three months in any school year, shall be entitled to receive from the general fund of the state, annually, one-half the amount actually expended for instruction in the high school of such district, during such school year over and above the amount required by law to be expended for common school purposes, but not to exceed in one year five hundred dollars to one district. To obtain such aid, the high school board, or, in cities not under a county superintendent, the president and secretary of the board of education, and the treasurer, shall, on or before the first day of November, report in duplicate to the state superintendent, under their oaths, the amount actually expended for instruction during the previous school year, specifying the several items thereof, with the date and object of each, fully. Thereupon, the state superintendent shall fix the amount to be paid such high school-district, and certify the same to the secretary of state, with one of such reports annexed. On such certificate, at any time after the first day of December, the same shall be paid to the district treasurer out of the state treasury; but the whole amount so paid shall not exceed the sum of twenty-five thousand dollars in any one year; and if more be demanded by such districts, they shall be paid proportionally. The secretary of state shall annually include and apportion in the state tax all such sums as shall have been so paid, in addition to all other sums to be levied for the year. Hereafter, when by any neglect or omission, any free high school shall fail to have apportioned to it its share of state aid under this act, the state superintendent may, after the time hereinbefore fixed for such apportionment by him, fix an amount ten per cent. less than the amount which such free high school would have been entitled to, had it complied with the provisions of this act, and certify the same to the secretary of state, with the report of such district or



districts annexed thereto, and the secretary shall thereupon draw his warrant for such amount or amounts in favor of such district or districts. And each successive year the school superintendent shall apportion among the free high schools of the state, only the sum of twenty-five thousand dollars, less such sum or sums as may have been certified by him to the secretary of state under the provisions of this act subsequent to his last regular apportionment.

By the provisions of this section, it will be observed, that each free high school established and maintained in accordance with the provisions of law is entitled annually to share in the apportionment in aid of free high schools. An itemized report of the actual cost of instruction for the previous school year, ending June 30th, is required, to be made in duplicate on or before the first day of November.

*Chapter 352, Laws of 1875.*

AN ACT to encourage the establishment of free high schools in towns having no graded schools therein, and to appropriate a certain amount from the general fund in aid of such schools.

SECTION 1. Whenever any town in which no graded schools exist or when any two adjoining towns in which no graded school exists, shall vote to establish and maintain a free high school, as provided in sections 490 and 491, revised statutes, and such free high school shall have been established and maintained in the manner now provided by law for establishing and maintaining free high schools for at least three months, and when the high school board of such town, or of such two towns adjoining which unite to maintain such school, shall make the report required by section 496, revised statutes, in order to obtain the aid furnished by the state of Wisconsin in maintaining free high schools, they shall append thereto a certificate to the effect that such school is established and maintained in a town or by towns wherein no graded school exists.

SECTION 2. Upon receiving the reports and appended certificate provided for in section 1 of this act, it shall be the duty of the state superintendent to make a separate and distinct class of the schools thus established and maintained in towns where no graded schools exist, and each such school shall be entitled to receive from the general fund of the state annually one half the amount actually expended for instruction in such school, and the state superintendent shall fix the amount to be paid to each of said high schools and certify the same to the secretary of state, at the same time and in the same manner as he is now required to fix the amount to be paid to high school districts, and certify the same to the

secretary of state. On such certificate, at any time after the first day of December, the same shall be paid to the district treasurer out of the state treasury; but the whole amount so paid shall not exceed twenty-five thousand dollars in any one year to this class of free high schools, and if more is demanded by such districts, they shall be paid proportionally. The secretary of state shall annually include and apportion in the state tax all such sums as shall have been so paid, in addition to the amount authorized to be paid in aid of free high schools by section 496, revised statutes, and in addition to all other sums to be levied for the year.

By this act an annual appropriation of not more than twenty-five thousand dollars is made to encourage the establishment and maintenance of free high schools in towns where there are no other but ungraded district schools.

This was the principal purpose of the first act proffering aid to free high schools. But few of these places ever took advantage of the assistance thus tendered, and the amount of the annual aid is now entirely absorbed by high schools established in connection with graded schools. This act will not increase the amount available by that class of schools, but the amount appropriated must be devoted exclusively in aid of the class of high schools mentioned.

In organization, management, and methods of application to obtain aid, these schools will conform to the law heretofore existing relating to organization, management, and aid of free high schools. It is earnestly hoped that at least a hundred of these schools will be established within a year, and within two years there should be not less than two hundred organized. In them, for five or six months every winter, the advanced pupils of the town should be gathered for better and more advanced instruction than is now possible in the district schools, with their large number of all grades of pupils.

### XIII. APPEALS.

SECTION 497. Any person conceiving himself aggrieved by any decision made by any school-district meeting, or by any town board in forming or altering, or in refusing to form or alter, any school district, or by any other thing done by any officer or board under the provisions of this chapter, may appeal to the state superintendent. Such appeal shall be taken

and heard in the manner prescribed by him, and he shall make and file his decision thereon within thirty days after the hearing thereof is closed. The decision appealed from shall be operative until the same shall be reversed; and no decision on appeal to said superintendent made by him after the lapse of thirty days from the time the hearing thereof is closed, shall be effectual.

An effort has been made to give, under the appropriate section, in the foregoing pages, such an exposition of the statutes relating to common schools as will aid school officers in the discharge of their duties. If, however, after examination of these instructions, it is deemed necessary to apply to the department of public instruction for further information, it must be borne in mind:

1. That no *decision* can be rendered on any subject affecting in any manner the rights or interests of different parties, without giving to both sides an opportunity of being heard. This occurs when an appeal is regularly brought in the manner prescribed in the rules regulating appeals, or when all parties have signed and united in transmitting a statement of facts in regard to which they agree.

2. That an *opinion* given without affording to both sides a hearing must be regarded as valid only so far as the statement on which it is founded represents fully and fairly the facts in the case. Sometimes it happens that two persons, applying for advice upon the same question, state the facts differently, and of course receive dissimilar replies. They are thus confirmed in their difference of opinion, instead of being reconciled. To avoid this, all parties should be careful to state accurately all the facts of the case, with all practicable certainty as to dates and number, and in such a manner as to indicate the object of the inquiry.

Those addressing the office, no matter how frequently they may write, should state the name of the post-office to which they desire replies to be sent.

If it is decided to take an appeal to the state superintendent, the following rules are to be observed:

## RULES RESPECTING APPEALS.

1. An appeal must be in writing, addressed to the state superintendent, and signed by the appellant, but no particular form of statement is necessary.

2. The appeal should be as brief as is consistent with a complete statement of the case. It should set forth the action or proceedings appealed from, and the reasons why such action should be set aside. If the appeal is founded upon the refusal of the supervisors to act, the reasons why the action asked for should have been taken by such supervisors, must be clearly shown. If the appeal relates to the formation or alteration of a district, a map or plat of the territory affected by the action appealed from should be prepared, showing the boundaries of the district or districts embraced therein, the location of the residences of the inhabitants, the highways, marshes, etc. A statement showing the assessed valuation of the district or districts, or of the several parts of a district divided, and the number of children over four and under twenty years of age residing in each, should accompany the map, and form a part of the papers in the case. When the papers are completed, they should be fastened together, numbered or lettered for reference, and an affidavit attached, setting forth that the statements therein made are true, and that the map, list of children, and valuation of property are correct. The affidavit may be in form as follows :

A. B., being duly sworn, deposes and says that the statements made in the above appeal, all and several, are true, according to the best of his knowledge and belief, and further that the accompanying map, list of children, and valuation of property are correct.\*

[Signed]

— — —,  
*Appellant.*

Sworn to and subscribed before me this — day of —,  
18—. C. D.

*Justice of the Peace.*

3. A complete and correct copy of the appeal and affidavit, and all accompanying papers, should be made, to which an-

\* In other matters than formation or alteration of districts, the latter part of the affidavit after the word "belief," may be omitted, or any needed change may be made.



other affidavit should be attached, stating that they are correct copies of the papers in the case.

The form of the affidavit may be as follows :

A. B., being duly sworn, deposes and says that the above is a full and correct copy of an appeal, and all accompanying papers, designed to be sent to the state superintendent.

[Signed] \_\_\_\_\_.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

C. D.,  
*Justice of the Peace.*

This affidavit should be made upon the *copy* only — not upon the original appeal, that is to be sent to the state superintendent. The copy should then be served upon the party from whose action the appeal is taken, either by handing it to him, or leaving it at his residence. If the appeal is from the action of the supervisors, the chairman of the board is a suitable party upon whom to serve the copy. If from the proceedings of a district meeting, upon the clerk or chairman of the meeting. It should not be served, however, upon an individual who did not sustain the action appealed from as in that case no answer is likely to be made.

The person serving the copy of appeal should carry with him the original appeal, so that the party from whose action the appeal is taken, may, if willing, admit service of a true copy, by the following form indorced upon the original appeal:

I, E. F., do hereby admit service of the above (or within) appeal.

[Signed] \_\_\_\_\_.

In case no such admission of service be made, the appellant will append to his appeal an affidavit of the following form:

A. B., being duly sworn, deposes and says that upon the \_\_\_\_\_ day of \_\_\_\_\_, 18—, he did serve a true and verified copy of this appeal, and all accompanying papers, upon E. F., by handing the same to said E. F. (or by leaving it at his residence, as the case may be).

[Signed] \_\_\_\_\_.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

C. D.,  
*Justice of the Peace.*

When several persons unite in making an appeal, the affidavits may be so changed as to admit the names of all the appellants, and each should sign the appeal and subscribe to each and every affidavit. When the action appealed from is the action of several persons, it is sufficient to serve a copy of the appeal upon any one of the number, though it should always be served upon one not agreeing with the appellants, that an answer may be made.

When all the above directions are complied with, the original papers are ready to be forwarded to this office.

4. An appeal should be taken within thirty days from the performance of the act appealed from, or within thirty days after the action complained of has come to the knowledge of the appellant.

#### THE ANSWER.

1. The appellee has fifteen days in which to prepare his answer, and all the directions above given in reference to the preparation and service of a copy of the appeal papers, should be complied with in preparing and serving the answer upon the appellant, before it is forwarded to the state superintendent. The forms of affidavit given above will answer in all cases for forms to be used by the appellee, by changing the words so that the affidavit shall refer to an "answer to an appeal," instead of to an appeal, and by signing it as appellee instead of appellant.

2. The answer to an appeal may be served upon any one of a number of appellants. When the town board of supervisors is a party, and papers have been served upon the chairman, if he is in favor of the party appealing, one of the other supervisors should make answer.

3. In case of neglect of the proper appellees to answer an appeal, any person having an interest in the matter may make answer to it, being governed in all cases by the same rules as would govern an appellee.

#### REPLICATION OR REJOINDER.

A replication or rejoinder will be allowed, upon proof that new facts have come to the knowledge of the party wishing the rejoinder, since the appeal or answer have been sub-

mitted to the state superintendent, or that there are material errors in the statements of the other party.

#### GENERAL REMARKS.

If the appellant or appellee presents statements of other parties, these statements should be verified by the affidavit of the person making the same.

All decisions on appeal must be filed or recorded as the state superintendent shall direct.

No decision can be rendered on *ex parte* statements. No papers will be considered that are not properly verified, and properly served on opposing parties.

The propriety of leaving out of appeals all matters of a purely personal character, except as they may have a direct bearing upon the subject, is obvious.

As appeals are usually decided upon written and not upon oral evidence, it is not necessary or proper for either party to appear in person, expecting to be heard in the case, without the presence of the other party.

Particular care should be taken to follow the directions in regard to affidavits, serving copy, etc., so that it may not be necessary to send papers back for correction.

Not only must every paper presented in a case, by either party, be verified by affidavit, and a copy be served on the other side, but in making the copy, care must be taken to copy every affidavit as well as the statement which it verifies. If this is not done the party upon whom such copy is served has no evidence that the original was sworn to.

If the appeal is not taken or the answer or rejoinder made within the prescribed time, the reasons for the delay must be given.

Most of the appeals made to this department grow out of the alteration or formation of school-districts, or the refusal to form or alter the same. In view of this fact, the superintendent is led to remark, not only that these controversies are often very injurious to the interests of education, but that they would be avoided, so far as they relate to the matters mentioned above, if towns favorably situated for the

purpose would adopt the "town organization of schools," the law providing for which is given on subsequent pages.

#### APPEALS BY TEACHERS.

Any person refused a certificate by the county superintendent of schools, may make appeal to the state superintendent, according to section 452, using the following form:

*To A. B., County Superintendent of Schools for — County:*

SIR: You are hereby notified that I intend to appeal from your refusal to grant me a certificate, and I hereby ask you for your reasons for such refusal, that I may present the same to the state superintendent, with my appeal.

Respectfully yours, \_\_\_\_\_.

The refusal is ordinarily for alleged want of learning. In this case the appellant will usually appear before the state superintendent for re-examination. He should not come, however, without any previous notice; but after notice to the county superintendent, as above, and on obtaining the statement of reasons for refusal, he should forward the same to the state superintendent, notifying him of his desire for a re-examination, that a time may be fixed which may be convenient to both parties.

If the appellant and county superintendent mutually agree that the appeal shall be decided on the papers on which a certificate was refused, a re-examination may not be necessary.

If the refusal is for alleged want of ability to teach, or for alleged immorality of character, the appeal will be decided on the evidence submitted in writing by the parties. The papers will be made out and verified, and copies served, as provided under the Rules for Appeals.

In case a teacher's certificate is annulled, he also has a right of appeal. For this purpose the following form may be used:

*To A. B., County Superintendent of Schools for — County:*

SIR: You are hereby notified that I intend to appeal from your action in annulling my certificate, and I hereby ask for your reasons for such action, that I may present the same to the state superintendent with my appeal.

Respectfully yours, \_\_\_\_\_.



The directions given above, in regard to an appeal from a refusal to grant a certificate, are to be followed, as far as applicable, in an appeal from the action of a superintendent in annulling a certificate.

#### XIV. PENALTIES AND MISCELLANEOUS LAWS.

SECTION 498. Every district clerk who shall willfully neglect to make the annual report for his district, as required by law, shall be liable to pay the whole amount of money lost by such district in consequence of his neglect, which shall be recovered in an action in the name of and for use of the district.

SECTION 499. Every town clerk who shall neglect or refuse to make and deliver to the county superintendent his annual report as required in this chapter, within the time limited therefor, shall be liable on his official bond to pay the town the amount which such town or any school-district therein shall lose by such neglect or refusal with interest thereon; and every county superintendent who shall neglect or refuse to make the report required of him by this chapter, to the state superintendent, shall be liable to pay to each town the amount which such town or any school-district therein shall lose by such neglect or refusal with interest thereon, to be recovered in either case in an action prosecuted by the town treasurer in the name of the town. All money collected or received by any town treasurer, under the provisions of this section, shall be apportioned and distributed to the school-districts entitled thereto, in the same manner that the money lost by any such neglect or refusal would have been apportioned and distributed.

SECTION 500. Every taxable inhabitant receiving the notice mentioned in sections four hundred and thirteen and four hundred and fifteen, and every chairman of the first district meeting in any district, who shall willfully neglect or refuse to perform the duties enjoined upon him by this chapter, shall respectively forfeit the sum of five dollars. Every person duly elected to the office of director, treasurer, or clerk of any school-district, who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this chapter, shall forfeit the sum of ten dollars; and every school-district officer who shall neglect or refuse to deliver to his successor in office all records, books, and papers appertaining to such office, shall forfeit not exceeding fifty dollars.

SECTION 501. Neither the state superintendent, his assistant, or any person in his office, nor any county superintendent, nor school-district officer, nor any officer or teacher connected with any public school, shall act as agent or solicitor for the sale of any school books, maps, charts, school library books, school furniture, apparatus, or stationery, or furnish any assistance to, or receive any reward therefrom from any author, publisher, bookseller, or dealer doing the same. Every person violating this section shall forfeit not less than fifty nor more than two hundred dollars for each offense, and be liable to removal from office therefor.

SECTION 502. Every district clerk who shall draw an order upon the treasurer for any purpose not authorized by law, and every director who shall countersign such order, shall forfeit for each such order not less than twenty nor more than one hundred dollars.

*As amended by Chapter 251, Laws of 1883.*

SECTION 503. Every member of a district board in any school district in this state, every member of a board of education in any city of this state in which a list of text books has been adopted according to law, who shall within three years from the date of such adoption order a change of text books in such district or city, shall forfeit the sum of fifty dollars (\$50).

SECTION 504. In case the town board, or any other officer, shall neglect or refuse to carry into effect any decision of the state superintendent made upon an appeal from their or his action or refusal to act, each supervisor or other officer thus refusing or neglecting shall forfeit the sum of fifty dollars; and every town clerk who shall so neglect or refuse shall also be liable to removal by the town board, upon proper notice thereof.

SECTION 505. All actions for the recovery of any forfeiture incurred under the provisions of this chapter, shall be prosecuted by the director of the school-district interested, except when such director has incurred a forfeiture, in which case such action shall be prosecuted by the treasurer of such district, and in case either shall refuse or neglect to prosecute, he shall forfeit twenty dollars. All forfeitures recovered shall be first applied to the necessary expenses of such prosecutions, and one-half of the remainder shall be paid into the district treasury for the use of the district, and the other half to the county treasurer, for the benefit of the school fund.

SECTION 506. Whenever any person or officer designated in this chapter to prosecute an action for a forfeiture, or for a neglect of duty, shall fail to prosecute such action for the space of ten days, after being requested in writing by a vote of the proper district, so to do, any voter may prose-

cute such action for the recovery of such forfeiture, or for any neglect of duty, in the manner herein prescribed.

SECTION 507. Any school-district officer may be removed from office by the county judge, for willful neglect of any duty, upon the written application of the majority of the legal voters of his district, or of any person aggrieved by such neglect, containing a full statement of all the charges preferred against him. A copy thereof, with a notice of the time and place when and where a hearing upon the same will be had, shall be served upon such officer at least ten days before such hearing. Such officer shall have full opportunity to be heard in his defense; and the judge, upon satisfactory proof of such neglect of duty, may by order remove such officer from his office, and in case of removal shall forthwith file such order in the office of the town clerk, and cause a copy thereof to be served upon each of the other officers of the district. The person so removed from office shall not be appointed to fill the vacancy occasioned by such removal; and for all services performed by the county judge under the provisions of this section, he shall receive three dollars for each day actually employed, to be paid by the county.

#### JOURNAL OF EDUCATION, DICTIONARIES, ETC.

SECTION 508. Each school-district clerk, and each town clerk or secretary of a town board of directors, may subscribe annually for one copy of the Wisconsin Journal of Education, to be paid for by the district or town respectively, out of the school money.

The subscription price of the Journal of Education is \$1.00 a year, if paid in advance.

SECTION 509. The state superintendent is hereby authorized to furnish to any school-district, or to any school, or distinct department thereof, in any city or village, one copy of Webster's unabridged dictionary, on receipt of an affidavit of the district clerk, or the school superintendent of such village or city, that such school or department has not yet been supplied; or, that the dictionary furnished to said school has been lost or is unfit for use, and on payment in advance of the cost price to said superintendent for any so to be replaced. [And he may, in his discretion, distribute to the school-districts, so that no one shall have more than six copies, the printed edition of the constitution of the United States, and of this State, heretofore prepared and remaining in his custody.]

The constitutions have all been distributed, and are no longer furnished by the state.

SECTION 510. All such dictionaries and constitutions, heretofore or hereafter received by the several districts, shall belong to the district library, but during the time a school is taught they shall be and remain in the school rooms, during the hours of school, for the exclusive use of the scholars and teachers and under the control of the teachers or principals, who shall be responsible to the districts for their loss, or for any unnecessary damage they may receive.

SECTION 511. The state superintendent shall pay to the state treasurer, all money received on account of dictionaries sold as aforesaid, and render an account of all dictionaries sold, in his annual report to the legislature.

#### MAP OF WISCONSIN.

[Chapter 56, Laws of 1879.]

The superintendent of public instruction is hereby authorized and empowered to contract for and purchase seven hundred copies of the map of Wisconsin, published by Professors Nicodemus and Conover, at a price not exceeding four dollars per copy. \* \* \* \* Said maps, when so purchased, shall be deposited in the office of the superintendent of public instruction, and shall be sold and delivered, one copy each, to any school district, teacher, high school, town or county officer in this state, desiring to purchase the same for any public use, or for use in any of the schools in this state, at a price not exceeding the cost per copy at which the same shall be purchased by said superintendent.

This map is finely executed, shows the new counties, and is needed in every school-room. The proper form of application (No. 47), will be found in the latter part of this book ; or printed forms will be sent, on request. This section has been amended by the following:

Chapter 90, Laws of 1883.

SECTION 1. The state superintendent is hereby authorized and empowered to sell the Nicodemus and Conover map of the state of Wisconsin, one copy each, to any school district, teacher, high school, town or county officer or member of the legislature in this state desiring to purchase the same for any public use, or for use in any of the schools in this state, at a price not less than two dollars per copy; and all moneys received by said superintendent for said maps so sold shall be paid into the state treasury to the credit of the general fund. The maps offered for sale by this act shall prior to such sale and delivery be revised and corrected in accordance with the latest changes made in the boundary lines of counties and existing at the time of such delivery,



and the secretary of state is hereby authorized to employ a competent draughtsman to make the corrections required.

The price of these maps has hitherto been \$4.00, the amount paid the authors by the state. The price hereafter will be \$2.00. Only a limited number can be furnished, less than two hundred copies remain on hand for sale. Orders will be received and filled in the order of filing, as soon as the authorized corrections are made through the office of the secretary of state.

SECTION 512. Every person of lawful school age, maintained at the public charge, shall, for school purposes, be deemed a resident of the district in which he lives; for every person so maintained by the county, the county board shall for each year allow to the district in which such person may attend school, an amount for each person so attending, equal to the amount expended in that year for each pupil in such district for school purposes; and in case such person be maintained by any town, such town board shall allow a like amount to such district. Such account shall be reckoned by the district officers without reference to the number of pauper children attending such school.

SECTION 513. Every woman of twenty-one years of age, and upwards, may be elected or appointed as director, treasurer, or clerk of a school-district; director or secretary of a town board, under the township system; member of a board of education in cities; or county superintendent.

#### TEXT-BOOKS IN CITIES, ETC.

*As amended by Chapter 251, Laws of 1883.*

SECTION 514. The several boards of education having the government in cities of the public schools shall determine what school and text books shall be used in the several branches of study pursued in the schools and shall make a list of such books, file a copy with their clerk or secretary, and keep a copy publicly posted in each school building. When any such text books shall have been adopted they shall not be changed for the term of three years. Any board of education in any city where the district system is not in force may, under the limitations of this act, order changes in text-books, provided, that said changes shall be approved by the common council or board of aldermen of such city, and the aforesaid boards of education are hereby authorized to purchase text-books for use in the public schools and to loan or furnish them to pupils under such conditions or regulations as they may prescribe. But no text-books shall be permitted in any free public schools which would have a tendency to inculcate sectarian ideas.

## POWERS OF SCHOOL BOARDS IN CITIES.

SECTION 515. Every such board or other body aforesaid shall have all the powers, and be charged with all the duties imposed by these statutes on school-district boards, so far as the same are not provided for or limited by the special provisions of the act of incorporation, or other act under which such board or body is constituted. Every city or village not having a system of school government specially provided by law therefor, shall be governed by the provisions of this chapter.

## XV. TOWNSHIP SYSTEM OF SCHOOL GOVERNMENT.

SECTION 516. Every town which is now or may hereafter be organized in this state is hereby declared and constituted one school-district for all the purposes in this chapter hereinafter prescribed, and the several school-districts and parts of joint districts, which are now or may hereafter be established in the several organized towns, shall be styled and known as subdistricts, whenever such town shall have voted therefor, as provided in section five hundred and fifty-two.

SECTION 517. New subdistricts may be formed, and the boundaries of any subdistrict may be altered, by the town board of directors at any regular meeting of said board; but the formation and alteration of any joint subdistrict shall be by concurrent action of the board of directors of all the towns embraced in part in such subdistricts.

SECTION 518. The clerks of the several subdistricts in any organized town, together with the clerks of the joint subdistricts, the school-houses of which are situated in such town, shall constitute the town board of school directors.

SECTION 519. The said board shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "the board of school directors of the town of——" (the name of the town to which the board belongs), and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding real and personal estate, and of selling the same, as authorized by the provisions of this act; and the clerks of the various school-districts, together with the clerks of the joint school-districts, the school-houses of which are situated in any town adopting the township system, shall constitute the first board of directors of such town; they shall meet and organize within two weeks after the election at which such township system shall be adopted; and they shall hold their offices until the next annual meeting of the subdistricts of such town.

SECTION 520. The board of directors in each town are hereby invested, in their corporate capacity with the title,

care and custody of all school-houses, school-house sites, furniture, apparatus, and other property of all kinds belonging to the subdistricts therein, with full power to control the same in such manner as will best subserve the interests of the schools in such town.

SECTION 521. The said board shall meet annually upon the first Monday in October in each year, at or as near as may be the place where the last annual election was held. The second regular meeting of the board shall be held on the third Monday in March in each year. The hour of meeting shall be ten o'clock in the forenoon. X

SECTION 522. Special meetings may be called by the president and secretary, upon the application of one-third of the members of the board. Such meetings shall be called by notifying each member of the board personally, or by leaving a written notice at his place of residence or business, stating the time, place and objects of the meeting, at least five days before the time appointed therefor. the

*As amended by Chapter 63, Laws of 1883.*

SECTION 523. The members of the board, a majority of whom shall constitute a quorum, assembled at the first and each succeeding annual meeting, shall elect from their number a president and a vice-president; also a secretary who may or may not be one of their number, but who shall be a resident of the town to which the board belongs. Such secretary shall receive a compensation for services rendered at not less than two nor more than three dollars per day, and he shall present a statement of his services rendered at the annual meeting of the board. Vacancies in either of the offices herein provided for may be filled at any special meeting of the board, the notice for which shall state the object of the meeting to be to fill the vacancy existing, and persons elected to fill any vacancy shall hold the office for the remainder of the unexpired term.

SECTION 524. The board of each town shall have power to purchase or hire [sites], houses and rooms for the use of schools and to fence and improve the same, as they may deem proper, and upon such sites to build, enlarge, alter, improve and repair school-houses, out-houses, or any other building for school purposes, as they may deem advisable; and also, whenever in the opinion of the board any school-house or school-house site is no longer needed for school purposes, the same may be sold and conveyed in the corporate name of the board, such conveyance to be executed by the president and secretary of the board.

SECTION 525. Said board shall, at the regular meeting in March, estimate and determine the amount of money which will be necessary for the support of schools, and for the building and repairing of school-houses, in the town for the year ensuing. X



SECTION 526. Said board shall establish and maintain such and so many schools in the several subdistricts under their charge as they may deem requisite and expedient; *provided*, that there shall be at least one common school in each subdistrict, and that all such schools shall be kept each year not less than five months. The board shall have, in all respects the supervision and management of all the schools, with full power to adopt, enforce, modify, and repeal, from time to time, all rules and regulations not inconsistent with the laws of this state, necessary for their organization, gradation, and control, and for the instruction given by them in the different branches of education taught therein, and to establish and enforce proper penalties for the violation of such rules.

SECTION 527. All powers conferred upon district boards by the provisions of this chapter, excepting those the exercise of which would conflict with the provisions of law relative to the township system, are hereby conferred upon the town boards of directors herein provided for.

SECTION 528. The president, vice-president, and secretary of the town board of directors shall constitute an executive committee, who shall carry out, put in force, and execute all orders of the board; and for this purpose, all power and authority vested in such board shall be deemed vested in the executive committee; and any duty devolved upon the said board shall devolve upon the executive committee; but all the acts of the executive committee shall be subject to review by the board at any regular meeting thereof.

SECTION 529. The executive committee shall employ so many qualified teachers as they shall deem necessary to give instruction in all the schools under the charge of the board. Each contract shall be in writing, shall be signed by the teacher and by the president and secretary, and shall specify the wages per week, month, or year, agreed upon by the parties.

SECTION 530. The secretary shall record all the proceedings of the board; he shall keep an accurate and specific account of all expenses incurred by the board including a list of all orders drawn by him, with the date, amount, person in whose favor, and object for which each order was issued; he shall properly file all papers deposited with him in accordance with law, and shall keep and preserve all books, papers, and records belonging to his office, and deliver the same to his successor.

SECTION 531. He shall make and keep in his office an accurate map of his town, showing the boundaries of all subdistricts and joint subdistricts, the location of all school-houses and highways therein. When a new subdistrict is formed by the board of directors, or one is altered, he shall, within ten days thereafter, certify to the clerk of each subdistrict affected by such formation or alteration, a copy in writing of the record of the action of the board in the matter.



SECTION 532. He shall have the immediate charge and supervision of all the schools in the town, and shall, under the direction of the board, organize and grade them, and assist the several teachers thereof in classifying and arranging them. He shall visit each school in his town at least twice during each term thereof; shall examine into its condition and progress, consult with and advise the teachers in regard to the methods of instruction and government, and shall report to the board from time to time such improvements as his experience shall dictate are calculated to benefit the school.

SECTION 533. He shall draw orders on the town treasurer for money in the hands of such treasurer, which have been apportioned to the town, and for money collected or received by him from other sources for school purposes, for the payment of teachers' wages, the purchase of school-house sites, the building, buying, hiring, repairing, and furnishing of school-houses, and for all other lawful purposes, and each order shall designate the object for which and the fund upon which it was drawn, and shall be countersigned by the president.

SECTION 534. It shall be the duty of the secretary, at least five days before the annual town meeting or election, each year to make to the board of supervisors of the town a written statement, showing the receipts of money for school purposes from all sources, and the disbursements of the same, during the year ending on the third Monday of March, in which statement shall be given under separate heads:

1. The amount in the treasury at the beginning of the year.
2. Amount received from the state fund.
3. Amount collected by town treasurer.
4. Amount received from all other sources.
5. The manner in which such sums have been expended, specifying the amount paid under each head of expenditure.
6. Amount remaining in the treasury.
7. Amount of indebtedness of the township district, and when and how payable.

The secretary shall accompany the above statement with estimates of the board of the amount necessary for the support of schools during the ensuing year, specifying the sums needed, under the following heads:

1. Amount for teachers' wages.
2. Amount for school-house sites, and for building, hiring, or purchasing school-houses.
3. Amount for fuel.
4. Amount for incidental expenses, including repairs, maps, globes, charts, and for all needful school room appurtenances.
5. An amount not to exceed one hundred dollars to purchase library books.

SECTION 535. It shall be the duty of the town board of each town in the state to present the statements and estimates above mentioned to the electors of the town at the annual town meeting or election, and the items of said estimates shall be passed upon separately by a vote of the electors present; but upon motion they may be increased or diminished; and if, for any reason, money for the support of schools shall not be voted at the annual town meeting, or a sufficient amount shall not then be voted, the supervisors shall present the estimates before mentioned to the electors, at the general election in the fall, for a vote thereon.

SECTION 536. The secretary shall furnish school registers in the form prescribed by the state superintendent, in which every teacher in the town shall be required to enter the names, ages and studies of all the scholars attending school, and daily, their attendance and absence, which register shall be deposited with the clerk of the subdistrict at the end of each term of school.

*As amended by Chapter 72, Laws of 1882.*

SECTION 537. It shall be the duty of the secretary, on or before the fifteenth day of August in each year, to make and transmit to the county superintendent a report in writing, bearing date on the fifteenth day of August, in the year of its transmission, stating:

1. The whole number of subdistricts, and parts of subdistricts, separately set off within the town.

2. The length of time a school shall have been taught in each of said subdistricts or parts of districts.

3. The number of children taught in each, and the number of children over the age of four, and under the age of twenty years residing in each.

4. The whole amount of money received in the town for school purposes, since the date of the last preceding report, setting forth separately the amount received from the state, through the county treasurer, the amount levied by the county board, and the amount raised by the town at its annual town meeting or general election.

5. The manner in which said money has been expended, and whether any or what part remains unexpended, with such other information as the state superintendent may from time to time require.

SECTION 538. The town clerk shall assess all sums voted at the annual meeting, or at the general election, for the support of schools, upon the real and personal property of the town, as found in the assessment roll for the year in which said money is voted, and the sums so assessed shall in all respects be collected or returned delinquent like other taxes, and when collected, the money shall be held by the treasurer, and by him paid out on the order of the president and secretary of said board.

SECTION 539. If for any reason the electors of a town shall fail to vote an amount of money sufficient to maintain a school in each subdistrict for the term of five months, during the year ensuing, the secretary shall, on or before the fourth Monday of November of the year in which the electors shall fail to vote as aforesaid, certify to the town clerk the amount estimated by the board of directors, necessary for teachers' wages, fuel, repair of school-houses, and incidental expenses, and the town clerk shall assess the aggregate sum thus certified, upon all the taxable property of the town, in the assessment roll for that year, and the town treasurer shall collect the same as other taxes.

The certificate of the secretary to the town clerk should be made on or before the *third* Monday in November. See section 472.

SECTION 540. The town treasurer of each town shall apply for and receive from the treasurer of his county all money apportioned for common schools in his town and pay out the same, together with all money collected or received by him for school purposes, upon the order of the president and secretary of the town board of directors.

SECTION 541. The annual meeting of each subdistrict shall be held on the last Monday in September in each year. The time of such meeting shall be seven o'clock in the afternoon.

SECTION 542. The inhabitants qualified by law to vote at a subdistrict meeting when assembled in annual meeting, shall have power, and it shall be their duty:

1. To appoint a chairman for the time being.
2. To appoint a secretary if the district clerk shall be absent.
3. To choose a clerk.
4. To recommend to the town board of directors the number of months they desire to have school maintained in their subdistrict the ensuing year, and whether they desire a male or female teacher; the improvements and repairs which ought to be made on the school-house, outhouse, and grounds; what maps and charts or other aids in teaching should be furnished, and generally any thing, matter, or plan, which in their judgment, will advance the cause of education and benefit the school of their subdistrict.

SECTION 543. The clerk shall record the proceedings of all district meetings; shall certify to the town board of directors any recommendations adopted by the electors of his subdistrict, in accordance with the provisions of the preceding section, and shall have charge of the school-house, and of all property therein or belonging or attached thereto, subject to the order or direction of the board of directors.

SECTION 544. He shall be a member of the board of direc-



tors, shall attend all meetings of the board, and shall carry out all lawful orders of the same having reference to the school-house of his district, or the school maintained therein.

SECTION 545. He shall give at least six days' notice of every annual meeting of the electors of his subdistrict, by posting notices therefor in four or more public places in the subdistrict, one of which notices shall be affixed to the outer door of the school-house; and he shall act as secretary of all meetings when present.

SECTION 546. When a new subdistrict is formed, or a vacancy occurs in the office of the subdistrict clerk, the executive committee of the board of directors shall appoint a clerk, who shall hold his office until the annual meeting of the subdistrict succeeding such appointment.

SECTION 547. When a subdistrict is composed of parts of two or more towns, the board of directors of the town in which the school-house is situated, shall have the entire control of said subdistrict, and shall maintain school therein as in other subdistricts; and the clerk of such joint subdistrict shall be a member of the board of directors of said town. At the annual meeting in October, the board of directors shall calculate and determine the cost of maintaining the schools in said joint subdistrict, for the year ending at the close of the term preceding the meeting of the board, and the secretary shall certify such amount to the secretary of the board of each town, embraced in part in such joint subdistrict, together with the assessed valuation of said subdistrict, and each part thereof, as found in the assessment roll of the said town for that year; on the receipt of such certificate, the secretary of the board of directors of each of said towns shall draw an order on the treasurer of his town, in favor of the town in which the school-house of said joint subdistrict is situated, for such a proportion of the whole cost of maintaining said school as aforesaid, as the assessed value of the property of his town, embraced in said joint subdistrict, is to the whole valuation thereof; unless the proportion of such school-district taxes to be assessed in each such town shall have been ascertained, as provided in section four hundred and seventy-one, in which case he shall draw his order for such proportion; and said order shall be paid out of any money in the hands of said treasurer, collected or received by him for the support of schools in his town.

SECTION 548. In case either of the towns embraced in part in said joint subdistrict shall not have adopted the township system of school government, the certificate before mentioned shall be made to the clerk of said subdistrict, and it shall be his duty to incorporate the proportional sum mentioned in the preceding section, in the returns of district taxes made by him to the town clerk of the town not having adopted such system, on the *fourth* [third] Monday of November succeeding the receipt of said certificate; and the said sum shall be assessed and collected with the other taxes



of that part of the joint subdistrict, and shall be paid over by the town treasurer collecting the same, to the treasurer of the town in which the school-house of said joint subdistrict is situated.

SECTION 549. When the school-house of a joint subdistrict is situated in a town which has not adopted the township system of school government, the taxes for the support of schools shall be raised, assessed, and collected as provided in this chapter; but if any portion of said joint subdistrict shall be embraced in a township which has adopted the town system, then the proportion of any district tax, which should be assessed upon the property of such part of said subdistrict, shall be certified by the town clerk of the town in which the school-house of said subdistrict is situated, to the secretary of the town board of directors of the town comprising the part of the said joint subdistrict before-mentioned; and said secretary shall draw an order upon the town treasurer of his town in favor of the treasurer of the joint subdistrict for the amount of tax thus certified; and the said town treasurer shall pay the same out of any money held or received by him for school purposes.

SECTION 550. Prior to the erection of any school-house by the board of directors, they shall estimate and determine the valuation of all the school-houses and sites in their town, and, when so determined, the secretary shall place upon record a tabular statement, containing the number of each subdistrict, the value of its school-house and site, and the valuation of its taxable property as appears from the last assessment roll of the town; and thereafter, for a period of ten years from the date of the meeting at which such determination of values was had, when a tax shall be voted to build a school-house or purchase a site, such tax shall be so distributed and assessed upon the several subdistricts, that those having the least amount invested in school-houses and sites in proportion to the assessed valuation of their property, as appears from the record made at the time of the determination of values aforesaid, shall pay most toward said tax in proportion to the valuation of the property at the time the tax is assessed, in order that the sums paid by the different subdistricts in the town for the purchase of sites and the erection of school-houses shall be equalized; but if the board of directors of any town shall decide that taxes for the purchase of sites and the erection of school-houses shall be assessed equally upon property, then the aforesaid provision in reference to equalizing such taxes shall not be operative in such town.

SECTION 551. Whenever the territory of a school-district of an incorporated village shall extend beyond the limits of such village, the whole of such territory shall remain in such district, and form a part thereof until detached by authority of law; and such district and every village con-

taining a graded school of three or more departments shall be exempt from the provisions of this chapter relating to the township system, except as hereinafter provided.

SECTION 552. The legal voters of any town in the state may at any annual town meeting, or at any general election, vote upon the question of township school government. Such voting shall be by ballot, and the ballots used shall have written or printed thereon the words, "township school government, yes;" or the words, "township school government, no." A separate box shall be provided for the reception of said ballots, and the votes cast shall be counted, canvassed, and a record thereof made, as in case of other votes cast at such election; and if it shall appear that a majority of the ballots cast have written thereon the words, "township school government, yes," then the provisions of this chapter, providing for the township system, shall immediately become operative in such town; otherwise they shall have no force or effect therein. No vote shall be taken on the question of township school government in pursuance of this chapter unless notice thereof shall be given as herein-after provided. The town clerk of any town, upon the petition in writing of any ten electors of said town, shall publish, by posting in three of the most public places in said town, a notice in writing that the question of township school government will be submitted to the electors of said town at the ensuing annual town meeting or general election. Such notice shall be so published and posted at least ten days before the holding of any such town meeting or election; and any town having adopted the township school government according to the provisions of this chapter, may abolish the same at any town meeting or general election, in the same manner as provided for its adoption in this section; but when the system of township school government shall be adopted, it shall continue in force two years from the date of its adoption, before the question of abolishing it shall be acted upon. Whenever the electors of any incorporated village, having a graded school with three or more departments, shall desire to adopt the township system of schools, they may vote upon the question at any charter or general election held in such village; such vote shall be by ballot of the form above described, and upon like notice, and if a majority of the votes cast upon that subject shall be in favor of the adoption of said system, then such village shall become a part of the township system of the town in which the same is situated.

SECTION 553. Whenever any school-district in any town, adopting the township system, shall be indebted at the time of such adoption upon a loan from the state, or otherwise, such district shall remain liable for the payment of such indebtedness, and no alteration of the boundaries of such district as a subdistrict in such town shall ever be made until such debt is fully paid, except as is provided in section two

hundred and sixty-three. The clerk of such subdistrict shall annually certify to the town clerk the sum necessary to be raised as taxes in such subdistrict for the payment of such indebtedness, with interest thereon in the same manner and with like effect, as the clerk of such district was required by law to certify the same, and the town clerk shall extend the amount of such taxes upon the tax roll, upon the taxable property of such subdistrict, in like manner as if the same had been certified by the clerk of such district; and the same shall be collected by the town treasurer and be applied by him exclusively to the payment of such debt.

*Chapter 204, Laws of 1885.*

SECTION 1. Whenever any town in this state shall have attempted to adopt the township system of school government, under and pursuant to section 552 of the revised statutes of 1878, the validity of any and all taxes for school purposes heretofore or hereafter levied and assessed in any such town, shall not be questioned in any action or proceeding heretofore or hereafter commenced, so far as the regularity of the proceedings of any such town, in the adoption of such township system of school government is concerned, unless the plaintiff shall show that he would be required to pay more than his equitable proportion of taxes; and any and all school taxes heretofore levied in any such towns which have been voted at the annual town meeting, are hereby declared to be legal and valid, even though the provisions of section 535, of the revised statutes of 1878, shall not have been in all respects complied with.

*Chapter 354, Laws of 1885.*

SECTION 1. The board of school directors of any town in which the township system of schools exists may borrow money from the trust fund of the state for the purpose of building school house or school houses, and the commissioner of the public lands are hereby authorized to loan money from the trust funds of the state to the board of school directors of any town in which the township system of schools exists upon their compliance with the following rules and regulations:

1st. If at an annual meeting of the electors of such town a resolution shall be voted on by ballot and adopted, authorizing the said town board of school directors to make application to the commissioners of the public lands therefor, stating the amount to be borrowed, and the time of payment.

2d. Such authorization may be given such town board of school directors by a special meeting of such electors called in the same manner as special town meetings are provided to be called by the revised statutes.

SECTION 2. After such authorization shall be given, the whole matter of such loan, both as to amounts and time of payment, as well as all other matters pertaining to same, shall be governed and controlled by the general law governing loans from the trust funds of the state to school districts, found in sections 261, 262 and 263 of the revised statutes, except that the application shall be made and signed by the president, vice president and secretary of such board, and the notes given as evidence of such debt shall be signed by the same three officers. The town treasurer shall receive and receipt for the moneys received on such loan, and pay it out as other moneys belonging to such township district for the purposes as provided for in section one of this act.

Not many towns have as yet made trial of the system provided for in the preceding sections. There is a natural hesitation in changing from the methods of school management with which people are familiar, to others that are new to them. It will be seen that section 552 provides that any town which adopts the system and is not satisfied with it, can return to the old one, but not till after a trial of two years. With a little patience, however, and a willingness to consider the general good rather than local advantage, the town organization will be found much better than the plan of single, independent districts.

The advantages of the system may be briefly restated, at this time, under the following heads:

1. It would promote economy and simplicity. A town with ten districts, not an unusual number, requires the services of thirty school officers, besides those of the town clerk, the town treasurer, and the town board, in the administration of school affairs. A board of five directors, with the town treasurer, would do all the business more intelligently, more efficiently, and at much less expense.

2. It would aid in securing peace and quiet. As shown by numerous appeals taken to the state superintendent, and by the correspondence of the office, there are constant disputes about district boundaries, the lawfulness of the action of district meetings or district boards, to the great detriment of the schools. Under the consolidated system, this trouble would mostly disappear. Each voter would have, as now, a voice in the election of the school officers, and in the deter-



mination of the school policy. Each tax-payer would pay his school taxes for the general good, and be allowed to send to the most convenient and appropriate school.

3. School taxes would be uniform and equitable. Public schools are for the public good, and should be supported at the public charge. A state school tax, supplementing the income of the school fund, would leave the local taxation lighter, and the burden of sustaining the schools would be still further equalized.

4. The schools would also be much more uniform, and of better average quality. At present, we find an excellent school, perhaps, in one district, and in the next a poor one; chiefly, sometimes, because the people are poor. But the state cannot afford to tolerate poor schools.

5. Graded schools are generally out of the question, under the present system. Under a town system, they could be much more readily introduced, as increase of population and the advancement of pupils might render it desirable. A considerable number of towns could at once establish a central school of higher grade, open to all pupils of sufficient advancement. This would, in effect, grade the other schools. Some advantages, beyond those of elementary instruction, would thus be attainable, more especially in towns embracing villages.

6. A course of study could be much more readily introduced, and made uniform, if desired, for the county.

7. Text-books and apparatus could be uniformly and adequately supplied, and at reasonable rates.

8. Teachers would be employed for their fitness, and longer retained, and would do far better work. A superior teacher would naturally be secured for the central school of highest grade, if established, who would diffuse correct methods of teaching through all the schools.

9. Supervision, now almost a nullity, would be exercised by such head teacher, or by the secretary of the town board; and the general care of the schools on the part of the county superintendent, would be properly supplemented.

10. School-houses would be better, and better located, the

law providing, as it does now, for the equalization of cost, for a series of years.

11. Town libraries would naturally and readily connect themselves with a town system of schools, greatly to the public benefit.

12. Statistics would be uniform, reliable, and of some value.

No human system is perfect. The school system here advocated, opens possibilities, nevertheless, which cannot be realized under the present one, except in rare cases. It would certainly render it practicable to make the bulk of the country schools much better than they now are. The town system, as distinguished from the single district system, is in fact the original school system of our country. This subject is discussed in the report of the state superintendent for 1879. The system should, therefore, be enacted into law, without much longer delay. The present permissive law was intended as an experiment. Though well devised, in the main, it retains too much of the present system, and should be carefully recast. The general law requiring all school districts to maintain school at least five months annually, has been amended so as to require *six* months, instead of *five*. Although not specifically mentioning districts under the township system, a fair construction of the amended law will include these also in the requirement.

## XVI. OF THE DISTRIBUTION OF THE SCHOOL FUND INCOME.

*Chapter 28, Revised Statutes, as amended by Chapter 124, Laws of 1885.*

SECTION 554. The school fund income which shall have been received up to and including the first day of June, shall be apportioned by the state superintendent between the tenth and fifteenth days of June, in each year. Such apportionment shall be made among the several counties, and the several towns, specially incorporated villages, and cities in each county, according to the number of children in each over the the age of four and under the age of twenty years, as shown by the reports made to the state superintendent during the year preceding; but no apportionment shall be

(unless the town or village board or common council or such city so failing shall have transferred, as they are hereby authorized to do, from the general fund to the school fund of the town, village, or city for such purpose, the amount of deficit in such school tax, and the town, village, or city clerk shall have filed with the state superintendent his certificate showing such transfer to the school fund, and his apportionment thereof to the proper school-districts, or transfer to the board of education, before the tenth day of June; and no apportionment shall be made to any city, village, or town for any school-district therein, for any year during which such district shall not have maintained a common school, taught by a qualified teacher, for six months, unless the state superintendent shall be satisfied that school was so taught for three months, and the failure to maintain it for the full six months was occasioned by some extraordinary cause, and not arising from neglect or intent to avoid the legal obligation; nor to any town, village, or city, nor for any school-district, reports of which as required by law shall not have been made and transmitted during the preceding year to the state superintendent; nor to any city for any year, the report for which shall not show that the number of children between the ages aforesaid residing therein, has been ascertained by an actual census taken under the direction of the board of education, or other body having the government of common schools therein, by their clerk or persons of their appointment for that purpose. Whenever a certified statement of the county clerk of any county, made to the state superintendent, shall not show that the amount required by law to be raised for school purposes has been directed to be raised during the year by the county board, the amount of the school fund income otherwise apportionable to such county shall be withheld and added to the capital of the school fund.

*Chapter 287, Laws of 1885.*

AN ACT to provide for a more efficient common school income.

SECTION 1. There shall be levied and collected annually, a state tax of one mill for each dollar of the assessed valuation of the taxable property of the state, which amount, when so levied and collected, is appropriated to the common school fund income, and shall be disbursed in the same manner and under the same conditions and restrictions required by law for the disbursement of the common school fund income.

source will pro-

derived from the income of the school fund. The first apportionment under this act will be made in June, 1886, of the money derived from the tax levied in 1885. The amount received from this source must be considered by county boards of supervisors in determining the amount to be raised by each town, city and village, as a county school tax, and the tax thus levied must be equal to the amount received from the school fund income and this state tax together; as this amount derived from the tax is to be disbursed in the same manner and under the same conditions and restrictions now prescribed by law for the disbursement of the school fund income.

Under section 1074, of the revised statutes, the county board is required to levy a tax upon each town for the support of common schools therein the ensuing year, which shall not be less than the amount apportioned to such town in the last apportionment of the income of the school fund. In case of new towns where no apportionment was made to such new town by the county board, then the tax levied by the town should be proportionate to that levied upon the other towns.

If by any mistake or oversight an amount less than that last apportioned is levied upon any town, the town board is authorized, under the foregoing section, to transfer the deficiency from the general fund to the school fund of the town, and the town clerk will certify to the state superintendent that the transfer has been made, and that the money has been properly apportioned. The town is then entitled to receive its share of the income of the school fund. But under section 1075; the deficiency in the tax is to be added to the school tax levied the ensuing year.

Formerly the legislature, by special acts, authorized the apportionment of school money to districts which had been prevented from maintaining five months' school, in consequence of the burning of the school-house, the prevalence of an epidemic disease, or any similar extraordinary cause,



if there had been as much as three months' school, and the general law is to be interpreted in the same spirit.

SECTION 555. The state superintendent shall certify the apportionment made as aforesaid to the secretary of state, and shall immediately give notice thereof to each county clerk and county treasurer, stating the amount apportioned to his county, and to each town, village and city therein. Upon receiving such apportionment, the secretary of state shall draw his warrant upon the state treasurer, payable to the proper county treasurer, for the total amount apportioned each county.

SECTION 556. Whenever any officer shall omit to make, within the time fixed, any statement or report required to be made to the state superintendent, he shall notify such officer by mail or otherwise, of such omission, but the failure of the state superintendent so to do shall in no manner affect the consequences of such omission. If, at any time within two years after an apportionment, in which any town, village, city or school-district was excluded upon any ground mentioned in section five hundred and fifty-four, satisfactory evidence shall be filed with the state superintendent that such exclusion was due to some mistake or omission of some officer, and that such town, village, city or school-district was legally entitled to have shared in such apportionment, the state superintendent shall certify such facts, and the amount justly apportionable thereto to the secretary of state, and notify the county clerk and treasurer of the proper county thereof. The secretary of state shall draw his warrant therefor, and the money shall be paid from the school fund income for the use of such town, village, city or school-district, as if originally apportioned.

SECTION 557. Each county treasurer shall apply for and receive the school money due his county as soon as apportioned, and shall immediately give notice in writing of the amount apportioned to each town, village, and city in his county to the treasurer and clerk thereof, respectively, and shall pay the same to each such treasurer on demand, who shall pay the same to the proper school treasurer, as provided by law. If any such town, village, or city treasurer shall not demand such money before the next receipt of school money apportioned to such county, the county treasurer shall add such sum remaining in his hands to the money so next received, and distribute the same therewith and in the same proportion among the several towns, villages, and cities entitled thereto in such county.

SECTION 558. The town clerk shall apportion all school money received from the state, and also all raised by the town, among the several districts and parts of districts within the town, in proportion to the number of children between the ages of four and twenty years, residing in each,

taking such number from the last annual reports of their respective clerks. But if after the date of such reports any district shall have been altered or a new one formed, so as to render an apportionment founded on such annual reports unjust between any districts, the town clerk shall ascertain the number of such children by the best evidence within his reach. No money shall be apportioned to any district or part of a district unless the last annual report thereof, verified by the affidavit of the district clerk, shall show that all school money received from the state during the year ending with the date of such report, has been applied to the payment of the wages of a legally qualified teacher, and that a school has been taught in such district by such a teacher for at least five months during the year ending with the date of such report; but any time which such report shall show was spent by such teacher in attendance on an institute in the county, and given by the district board without deduction from such teacher's wages therefor, shall be included as part of such five months.

SECTION 554. All money apportioned by the town clerk to any district or part of a district, which shall have remained in the hands of the town treasurer for one year after such apportionment, by reason of such district or part of district neglecting or refusing to receive the same, shall be added to the money next thereafter to be apportioned by such town clerk to the several districts and parts of districts in such town, and apportioned therewith.

SECTION 560. In reckoning school months, twenty days, as specified in section four hundred and fifty-nine, shall constitute a month, and one hundred days five months.

It is to be carefully noted that all moneys apportioned by the town clerk, must be apportioned according to the number of persons over four and under twenty years of age residing in the several districts and parts of districts of his town, in which school has been maintained the required number of months during the past year. Money must not be apportioned to any district that does not furnish the evidence required by section 558:

1. That a school has been taught therein.
2. That the teacher thereof was duly qualified.
3. That the school was maintained the required number of months during the year, and,
4. That an amount equal to that received from the income of the school fund, has been applied to the payment of teachers' wages.

By chapter 124, laws of 1885, sections 430, 437, and 554 of

the revised statutes were so amended that each district is required now to maintain six months school each year. While this section was not amended specifically in terms, yet, the fair interpretation of the laws taken together, will require town clerks to withhold apportionment of county school tax to districts which do not maintain *six months'* school during the year. This section merely prescribes that no apportionment of this fund shall be made to districts which do not maintain *at least* five months' school during the year.

No new district is entitled to any public money until it shall have had five months' school; but, if an alteration of a district be made, and a new district be formed as the result of such alteration, between the time of making the annual report and the time for making the next apportionment, the money drawn on account of the pupils thus set off from a district, after being reported as pupils of that district, must be paid to the district in which such pupils are found.

Public money of any kind remaining in the hands of the town treasurer for one year after having been apportioned by the town clerk, must be added to the amount to be apportioned for the next year.

## XVII. OF THE UNIVERSITY.

[Chapter 25, Revised Statutes.]

SECTION 377. There is established in this state, at the city of Madison, an institution of learning by the name and style of "The University of Wisconsin."

SECTION 378. The government of the university shall vest in a board of regents, to consist of eleven members, one from each congressional district of the state, and two from the state at large, to be appointed by the governor; and the state superintendent shall, during his term of office, be a member of said board. The term of office of said regents shall be three years from the first Monday in February in the year in which appointed, unless sooner removed by the governor; but appointments to fill vacancies, before the expiration of a term, shall be for the residue of the term only.

SECTION 379. The board of regents and their successors in office, shall constitute a body corporate, by the name of "the regents of the university of Wisconsin," and shall possess all the powers necessary or convenient to accomplish

the objects and perform the duties prescribed by law, and shall have the custody of the books, records, buildings, and all other property of said university. The board shall elect a president and a secretary, who shall perform such duties as may be prescribed by the by-laws of the board. The secretary shall keep a faithful record of all the transactions of the board, and of the executive committee thereof. The state treasurer shall be the treasurer of the board, and perform all the duties of such office, subject to such regulations as the board may adopt, not inconsistent with his official duties, and he and his sureties shall be liable, on his official bond as state treasurer, for the faithful discharge of such duties.

SECTION 380. The time for the election of the president and secretary of said board, and the duration of their respective terms of office, and the times for holding the regular annual meeting, and such other meetings as may be required, and the manner of notifying the same, shall be determined by the by-laws of the board. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SECTION 381. The board of regents shall enact laws for the government of the university in all its branches; elect a president and the requisite number of professors, instructors, officers and employes, and fix the salaries and the term of office of each, and determine the moral and educational qualifications of applicants for admission to the various courses of instruction; but no instruction, either sectarian in religion or partizan in politics, shall ever be allowed in any department of the university; and no sectarian or partisan test shall ever be allowed or exercised in the appointment of regents, or in the election of professors, teachers, or other officers of the university, or in the admission of students thereto, or for any purpose whatever. The board of regents shall have power to remove the president or any professor, instructor, or officer of the university, when, in their judgment, the interests of the university require it. The board may prescribe rules and regulations for the management of the libraries, cabinet, museum, laboratories, and all other property of the university, and of its several departments, and for the care and preservation thereof; with penalties and forfeitures, by way of damages, for their violation; which may be sued for and collected in the name of the board, before any court having jurisdiction of such action.

SECTION 382. The board of regents are authorized to expend such portion of the income of the university fund as they may deem expedient for the erection of suitable buildings, and the purchase of apparatus, a library, cabinets and additions thereto; and, if they deem it expedient, may receive, in connection with the university, any college in this state, upon application of its board of trustees; and



such college, so received, shall become a branch of the university, and be subject to the visitation of the regents.

SECTION 383. At the close of each fiscal year, the regents, through their president, shall make a report in detail to the governor, exhibiting the progress, condition, and wants of each of the colleges embraced in the university, the course of study in each, the number of professors and students, the amount of receipts and disbursements, together with the nature, costs, and results of all important investigations and experiments, and such other information as they may deem important, one copy of which shall be transmitted free, by the secretary of state, to all colleges endowed under the provisions of the act of congress, entitled, "An act donating land to the several states and territories which provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862; and also, one copy to the secretary of the interior, as provided in said act.

SECTION 384. The president of the university shall be president of the several faculties, and the executive head of the instructional force in all its departments; as such he shall have authority, subject to the board of regents, to give general direction to the instruction and scientific investigations of the several colleges, and so long as the interests of the institution require it, he shall be charged with the duties of one of the professorships. The immediate government of the several colleges shall be intrusted to their respective faculties, but the regents shall have the power to regulate the courses of instruction, and prescribe the books or works to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in universities, or as they shall deem appropriate, and to confer upon the faculty, by by-laws, the power to suspend or expel students for misconduct or other cause prescribed in such by-laws.

SECTION 385. The object of the university of Wisconsin shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with scientific, industrial, and professional pursuits, and to this end it shall consist of the following colleges or departments, to wit:

1. The college or department of arts.
2. The college or department of letters.
3. Such professional or other colleges or departments as now are, or may, from time to time, be added thereto or connected therewith.

SECTION 386. The college or department of arts shall embrace courses of instruction in mathematical, physical, and natural sciences, with their application to the industrial arts, such as agriculture, mechanics, engineering, mining, and metallurgy, manufactures, architecture, and commerce; in such branches included in the college of letters, as shall be necessary to proper fitness of the pupils in the scientific and practical courses for their chosen pursuits, and in military

tactics; and as soon as the income of the university will allow, in such order as the wants of the public shall seem to require, the said courses in the sciences and their application to the practical arts shall be expanded into distinct colleges of the university, each with its own faculty and appropriate title. The college of letters shall be co-existent with the college of arts, and shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses, or parts of courses in the college of arts as the regents of the university shall prescribe.

SECTION 337. The university shall be open to female as well as to male students, under such regulations and restrictions as the board of regents may deem proper; and all able bodied male students of the university, in whatever college, may receive instruction and discipline in military tactics, the requisite arms for which shall be furnished by the state. After any person has graduated at the state university, and, after such graduation, has successfully taught a public school in this state for sixteen school months, the superintendent of public instruction shall have authority to countersign the diploma of such teacher after such examination as to moral character, learning, and ability to teach, as to the said superintendent may seem proper and reasonable. Any person holding a diploma granted by the board of regents of the state university, certifying that the person holding the same is a graduate of the state university, shall, after his diploma has been countersigned by the state superintendent of public instruction as aforesaid, be deemed qualified to teach any of the public schools of this state, and such diploma shall be a certificate of such qualification until annulled by the state superintendent of public instruction.

SECTION 338. No student who shall have been a resident of the state for one year next preceding his admission, shall be required to pay any fees for tuition in the university, except in the law department and for extra studies. The regents may prescribe rates of tuition for any pupil in the law department, or who shall not have been a resident as aforesaid, and for teaching extra studies.

SECTION 339. For the support and endowment of the university, there is annually and perpetually appropriated:

1. The university fund income and all other sums of money appropriated by any law to the university fund income.
2. The agricultural college fund income.
3. All such contributions as may be derived from public or private bounty.

The entire income of all said funds shall be placed at the disposal of the board of regents by transfer to the treasurer of said board, thenceforth to be distinct and independent of the accounts of the state, and for the support of the aforesaid colleges or departments of arts, of letters, and such other colleges and departments as shall be established in the

university or connected therewith; but all means derived from other public or private bounty shall be exclusively devoted to the specific objects for which they shall have been designated by the grantor.

*As amended by Chapter 300, Laws of 1883.*

SECTION 390. There shall be levied and collected annually a state tax of one-eight ( $\frac{1}{8}$ ) of one (1) mill for each dollar of the assessed valuation of the taxable property of the state, which amount when so levied and collected, is appropriated to the University fund income, to be used annually as a part thereof; such increase from one-tenth (1-10) to one-eight ( $\frac{1}{8}$ ) of a mill on the dollar of the assessed valuation of the taxable property of the state, shall be used for the purpose of establishing, under the direction of the board of regents of the University, a chair of pharmacy and *materia medica*, and the establishment of an agricultural experiment station; and in case a surplus accrue from the increase for the purpose aforementioned, the board of regents shall have power to dispose of the same, in the manner as of other incomes from this source, and the whole appropriation shall be deemed a full compensation for all deficiencies in said income, arising from the disposition of the lands donated to the state by congress, in trust, for the benefit of said income.

SECTION 391. The sum of three thousand dollars shall be set apart annually, forever, from the receipts of the tax mentioned in the preceding section, so soon as a complete and well-equipped astronomical observatory shall be given to the university on its own grounds, without cost to the state, to be expended by the regents in astronomical work and instruction: provided, such observatory be completed by the fourth of July, A. D. 1879.

SECTION 392. The regents shall each receive the actual amount of his expenses in traveling to and from, and in attendance upon all meetings of the board, or incurred in the performance of any duty in pursuance of any direction of the board; accounts for such expenses, duly authenticated, shall be audited by the board, and be paid on their order by the treasurer, out of the university fund income. No regent shall receive any pay, mileage, or per diem, except as above prescribed.

## XVIII. OF NORMAL SCHOOLS AND OF ACADEMIES.

[Chapter 26, Revised Statutes.]

SECTION 393. For the government of normal schools established, and which may hereafter be established, and for

the performance of the duties prescribed to them, there is constituted a board of eleven regents, called "the board of regents of normal schools," composed of the governor and state superintendent, as *ex-officio* regents, and of nine appointed regents. The term of office of regents appointed, commencing with the first Monday of February in the year in which appointed, shall be three years, and until the appointment and qualification of their respective successors; and they are now and shall continue divided into three classes, so that the term of office of three regents shall expire each year; and not more than two such members of the board shall reside in any one congressional district. The governor shall fill all vacancies by appointment, by and with the approval of the senate, if the legislature be in session, and if not, then subject to the approval of the senate at the next succeeding session; but in case of a vacancy before the expiration of a term, the appointment shall be for the residue of the term only.

SECTION 394. The board of regents and their successors in office are constituted a body corporate, by the name aforesaid; and may purchase, have, hold, control, possess and enjoy, in trust for the state, for educational purposes solely, any lands, tenements, hereditaments, goods and chattels of any nature, which may be necessary and required for the purposes, objects and uses of the state normal schools, authorized by law, and none other, with full power to sell or dispose of such personal property, or any part thereof, when, in their judgment, it shall be for the interest of the state; and shall possess all other powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The board of regents shall not sell, mortgage or dispose of, in any way, any real estate, nor borrow money, without the express authority of the legislature; nor shall they contract indebtedness, nor incur liabilities, to exceed, at any time, in the aggregate, the amount of money which, under the provisions of law, shall then be at their disposal, in the hands of the state treasurer; nor shall said board ever reduce the amount so at their disposal below the aggregate amount of their indebtedness or liability, except in payment of such indebtedness or liability. The proceeds of the sale of any real or personal estate shall be paid by them into the treasury, and shall become a part of the income of the normal school fund. The entire income of the normal school fund shall be placed at the disposal of the board of regents of the normal schools by transfer to the treasurer of said board, and shall be distinct and independent from the accounts of the state, and be applied for the support of normal schools, as provided by law.

SECTION 395. The officers of the board shall be a president, vice-president, and secretary; they shall severally hold their offices for the term of one year, and until their successors are elected, and shall perform the duties incident to their



several offices, and such as are prescribed by the board. The state treasurer shall be *ex officio* the treasurer of the board, but the board may appoint suitable persons to receive and pay to the treasurer any tuition fees, or other moneys that may be due from any student or other person.

SECTION 396. The said board shall hold an annual meeting at the capitol, on the second Wednesday in July in each year, or at such time as they may designate. Special meetings may be called by the governor, or by the president of the board, on a petition, signed for that purpose by any three regents. A majority of the regents shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time.

SECTION 397. Any regent may be removed from office for cause, upon reasonable notice, by a vote of two-thirds of all the regents. No regent or officer, trustee or person, appointed or employed in any position or capacity, connected with normal schools or normal institutes, shall at any time act as agent of any author or publisher of, or dealer in school books, maps, or charts, or school library books, or school furniture or apparatus, or become interested, directly or indirectly in the publication, manufacture, or sale of any such, as agent or otherwise; and for a violation hereof, any regent shall be expelled from the board by a majority vote of the regents.

SECTION 398. No member of the board of normal regents shall receive any pay for traveling to or attendance at any meeting of the board; but for any specific service rendered under the direction of the board, other than attending the meetings thereof, such compensation may be allowed any member, as the board shall deem just and reasonable; and such compensation and all moneys actually and necessarily expended by any member in traveling, attending meetings, or performing any other duty or service, directed to be performed, shall be paid out of the normal school fund income in the state treasury, on accounts presented to and adjusted by the board, and certificate signed by the secretary and president thereof.

SECTION 399. In addition to those heretofore established, the said board of regents may establish other state normal schools, at such places as they may designate, upon sites selected by them; and when, in their opinion, the educational interests of the state require it, they may proceed to erect suitable buildings upon the sites so selected, and they may enlarge, alter, or repair any normal school buildings. Whenever any such site shall be donated, then as soon as the title thereto shall be vested in them in fee in trust as aforesaid, and when money is donated, then as soon as such money is paid into the state treasury, subject to be paid out only on the warrant of the secretary of state, as provided in the next section, or secured to be paid by the deposit with the state treasurer, of United States or Wisconsin state bonds, in

amount equal in value to the sums of money so donated, said board may procure suitable plans and specifications for such buildings, alterations, or repairs thereof, and employ persons to superintend the construction of the same; and they may advertise for proposals to erect, repair, or enlarge any normal school building, reserving the right to reject any and all proposals made in pursuance of such advertisements; and the expense of such advertising and procuring plans and specifications shall be paid from the normal school fund income.

SECTION 400. The said board shall demand and receive the sums of money donated and subscribed by any persons, or any town, incorporated village, city, or county, to aid in the erection of the necessary buildings for normal schools, in such manner as said board may prescribe, and apply the same in the erection and completion of said buildings, the purchase of the necessary books, apparatus, furniture, and fixtures, and for various other incidental expenses, to be incurred by said board, in pursuance of the provisions of these statutes; and if any surplus shall remain, apply the same to the expenses of conducting said normal schools; and any deficit which may arise in the erection and completion of said building, and purchases aforesaid, shall be paid out of the normal school fund income.

The next section was amended by chapter 98, of the laws of 1879, to read as follows:

SECTION 401. All payments for the erection, repairs, or enlargement of any normal school building, or for fixtures and furniture therefor, and all disbursements from the normal school fund income, including the expenses of the boards of visitors of normal schools, appointed by the superintendent of public instruction, and the expenses of institutes hereinafter in this chapter authorized and provided for, shall be made by the treasurer of said board of regents, on the warrant of the secretary of said board, countersigned by the president thereof, drawn in accordance with the directions of the said board of regents, in payment of accounts duly audited and adjusted in accordance with the rules and regulations of said board of regents; and in case of a donation, no such warrant shall be issued, until the sums donated and subscribed shall have been paid in full into the state treasury, nor, in any case, until the work shall be done, or services rendered, or buildings erected, or fixtures or furniture purchased, under the direction of the said board, entitling the applicant to such warrant, according to a contract or agreement with said board for that purpose.

So much of sections 406 and 409, on the two pages following this, and of all other acts or parts of acts as were incon-

sistent with the provisions of this section, was repealed by the act of 1879 aforesaid.

SECTION 402. The exclusive purpose and objects of each normal school shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good common school education, and in all subjects needful to qualify for teaching in the public schools; also to give instruction in the fundamental laws of the United States and of this state, in what regards the rights and duties of citizens.

SECTION 403. Said board shall also establish a model school or schools for practice in connection with each state normal school, and shall make all the regulations necessary to govern and support the same; and they may in their discretion admit pupils to such model schools free of charge of tuition.

SECTION 404. The said board shall have the government and control of all the normal schools, and shall have power therefor:

1. To make rules, regulations, and by-laws for the good government and management of the same, and each department thereof.
2. To appoint a principal and assistants, and such other teachers and officers, and to employ such persons, as may be required for each of said schools; to fix the salary of each person so appointed or employed, and to prescribe their several duties.
3. To remove at pleasure any principal, assistant, or other officer or person, from any office or employment in connection with any such school.
4. To purchase any needful and proper apparatus, books, or articles, to assist in instruction, and to provide for all necessary fuel and supplies for the conduct of such schools.
5. To prescribe the courses of study, and the various books to be used in such schools.
6. To cause notice to be given of the opening of such schools, and the several terms thereof.
7. To prescribe rules and regulations for the admission of students, but every applicant for admission shall undergo an examination to be prescribed by the board, and shall be rejected if it shall appear that he is not of good moral character, or if applying as a free pupil, will not make an apt or good teacher.
8. To require any applicant for admission, other than such as shall, prior to admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this state, to pay, or to secure to be paid, such fees for tuition as the board may deem proper and reasonable.

9. To cause lectures on any art, science, or branch of literature to be delivered in any such schools, on such terms and conditions as they may prescribe.

10. To confer by by-laws upon the principals of the several normal schools the power to suspend or expel pupils for misconduct, or other cause prescribed in such by-laws.

#### DIPLOMAS AND STATE CERTIFICATES.

SECTION 405. Said board may grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted until such graduate shall have passed a thorough and satisfactory examination in the course of study prescribed by the board. When any such graduate has, after receiving such diploma, taught a public school in this state one year, the state superintendent may, after such examination as to moral character, learning, and ability to teach, as to him may seem proper, countersign the diploma of such teacher, and thereafter such countersigned diploma shall be evidence of his qualifications to teach in any common school, and shall have the force and effect of an unlimited state certificate. The said board may also, on such conditions as they may determine, grant a certificate of attendance, certifying that the holder has completed the elementary course in a normal school, and is qualified to teach a common school; and the said superintendent may, upon conditions above prescribed respecting diplomas, countersign such certificate, and thereafter, such countersigned certificate shall be evidence of his qualification to teach in any common school of the state, and shall have the full force and effect of a limited state certificate.

#### VISITORS.

SECTION 406. After any state normal school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members of the board, but to be appointed by the state superintendent, who shall examine thoroughly into the condition, organization and management of the school, and shall report to the said superintendent their views in regard to its success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually, and their report shall bear date of the thirty-first day of August, and cover the year preceding such date.

See section 401, and the comment on the same.

#### TEACHERS' INSTITUTES.

SECTION 407. Institutes for the instruction of teachers shall be held in each year, in such counties as may be designated by the state superintendent, with the advice and concurrence of said board, preference being given to such



counties as receive the least direct benefits from the normal schools. The state superintendent, by and with the advice and consent of said board, may make such rules and regulations as they shall deem proper for organizing and conducting such institutes, and may, by and with the like advice and consent, employ an agent or agents to perform such work in connection therewith, as by such rules and regulations may be prescribed. Each of said institutes shall be held under the direction of such agent or agents, assisted by the county superintendent. The course of study pursued in such institutes shall, as far as practicable, be uniform, and be prescribed by the state superintendent, with the assistance of such agents, but subject to revision by said board.

*As Amended by Chapter 7, Laws of 1885.*

SECTION 408. For the purpose mentioned in the preceding section, the said board may use such sum, not exceeding seven thousand dollars in any year, as it may deem necessary, of which not exceeding five thousand dollars shall be paid from the normal school fund income, and not exceeding two thousand dollars from the general fund, and the state superintendent may use such additional sum not exceeding one thousand dollars to be also paid from the general fund, as he shall deem proper, for the purpose of providing public lectures in connection with such institutes, by the professor of the theory and art of teaching of the university, and such amounts as shall be so expended are hereby annually appropriated from the said funds respectively.

SECTION 409. The normal school fund income shall, under the direction and management of the said board, be applied, and is hereby appropriated, to the establishment and support of the state normal schools and the purposes directed in this chapter.

See section 401, and the comment on the same.

[SECTION 410. The president of said board shall make to the state superintendent an annual report, bearing date the thirty-first day of August, which shall contain a full and detailed account of the doings of the said board, and of all of their expenditures, and of all moneys received, and the prospect, progress, and condition of said state normal schools; and such report, together with the reports of the different boards of visitors, shall be transmitted to the legislature by the state superintendent as part of his annual report.]

Repealed by chapter 169, laws of 1879, which requires the president to report to the governor. The latter act was amended by chapter 320, laws of 1883, requiring all reports to be made biennially.

## OF ACADEMIES.

SECTION 411. It shall be the duty of the president of the board of trustees of every organized academy, seminary, and literary or collegiate institution, heretofore incorporated, or that shall be hereafter incorporated, to cause to be made out by the principal instructor or other proper officer, and forwarded to the state superintendent, on or before the tenth day of October, in each year, a report for the year, terminating with the next preceding thirty-first day of August, setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and the yearly income from all sources; the number of instructors and their respective salaries; the number of students in the different classes, and the yearly rates of tuition; the studies pursued and the books used; the course of instruction and such matters as shall be specially requested by said superintendent, or as shall be deemed proper by the president or principal of such academies or institutions to enable the state superintendent to lay before the legislature, in his annual report, a fair and full statement of the affairs and condition of such institutions.

## XIX. THE STATE SUPERINTENDENT.

[Chapter 11, *Revised Statutes.*]

SECTION 164. The term of office of the state superintendent shall be two years. He shall, within twenty days after he receives notice of his election, and before entering upon the duties of his office, take and subscribe the constitutional oath of office, which oath shall be filed in the office of the secretary of state.

SECTION 165. The state superintendent may appoint under his hand an assistant, who shall take the constitutional oath of office, which, with his appointment, shall be filed in the office of the secretary of state. Such assistant shall perform such duties as the superintendent shall prescribe, not inconsistent with law, and the superintendent shall be responsible for all acts of such assistant.

SECTION 166. The state superintendent shall have a general supervision over the common schools in this state, and it shall be his duty:

1. To visit, so far as practicable, every county in the state, for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers, and parents, a knowledge of existing defects, and of desirable improvements in the government and the instruction of the schools.

2. To recommend the introduction of the most approved text-books, and as far as practicable to secure a uniformity in the use of text-books, discourage the use of sectarian books and sectarian instruction in the schools; to advise in the selection of books for school-district libraries, and to open such correspondence abroad as may enable him to obtain, so far as practicable, information relative to the system of common schools and its improvements in other states and countries, which he shall embody in his annual report to the legislature.

4. To examine and determine all appeals, which by law may be made to him, according to the laws regulating the same, and his decisions thereon shall be final; and to prescribe rules of practice in respect thereto, not inconsistent with law.

5. To collect in his office such school books, apparatus, maps, and charts as can be obtained without expense to the state; and also to purchase at an expense not exceeding one hundred and fifty dollars a year, to be paid out of the state treasury, rare and valuable works on education, for the benefit of teachers, authors, and others who may wish to consult them.

6. To apportion and distribute the school fund income as provided by law.

7. To make copies when required by any person so to do, of any paper deposited or filed in his office, and of any act or decision made by him, and certify the same; and he may demand therefor twelve cents per folio.

8. To prepare in each year a report to be delivered by him to the governor, on or before the tenth day of December, containing:

First. An abstract of all the common school reports received by him from the several clerks of the county boards of supervisors.

Second. A statement of the common schools in this state.

Third. Estimates and accounts of expenditures of the school money.

Fourth. Plans for the improvement and management of the common school fund, and for the better organization of common schools.

Fifth. A statement of his official visits, and of his travels in making the same during the past year.

Sixth. All such matters relating to his office, and the common schools of the state, as he may deem expedient to communicate.

9. To perform all other duties imposed upon him by law.

— The state superintendent shall have an

AN ACT to impose certain duties upon the state and county superintendents of schools.

SECTION 1. It shall be the duty of the state superintendent of schools annually to hold at least four conventions, in as many different and most convenient and accessible points in the state, for the purpose of consultation, advice and instruction, with county superintendents of schools, in regard to supervision and management of the public schools.

SECTION 2. It shall be the duty of every county superintendent of schools in this state to attend annually at least one convention of county superintendents, called and held by the state superintendent for the purpose of consultation, advice and instruction with county superintendents of schools upon matters pertaining to supervision and management of public schools.

SECTION 3. All actual and necessary expenditures for traveling from his residence to the place of holding the nearest and most accessible convention, and returning thereto, and for board and lodging during the time of actual attendance on such convention, shall be paid by the county in which the superintendent resides, and bills for such expenses shall be audited and allowed by the several county boards of supervisors, upon the presentation of the same with the certificate of the state superintendent attached thereto, showing that the claimant attended such convention for the number of days specified in the bill; provided, not more than one such account shall be paid in each year.



## XX. CONSTITUTIONAL PROVISIONS.

[Article 10.]

## EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a state superintendent, and such other officers as the legislature shall direct. The state superintendent shall be chosen by the qualified electors of the state, in such manner as the legislature shall provide; his powers, duties, and compensation shall be prescribed by law: *provided*, that his compensation shall not exceed the sum of twelve hundred dollars annually.

SECTION 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this state for educational purposes (except the lands heretofore granted for the purposes of a university), and all moneys, and the clear proceeds of all property that may accrue to the state by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the state where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the state is entitled by the provisions of an act of congress, entitled, "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one, and also the five *per centum* of the net proceeds of the public lands to which the state shall become entitled on her admission into the Union (if congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund, to be called the school fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to wit:

1. To the support and maintenance of common schools, in each school-district, and the purchase of suitable libraries and apparatus therefor.

2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

SECTION 3. The legislature shall provide by law for the establishment of district-schools which shall be as nearly uniform as practicable, and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein.

SECTION 4. Each town and city shall be required to raise by tax, annually, for the support of common schools therein,

a sum not less than one-half the amount received by such town or city, respectively, for school purposes, from the income of the school fund.

SECTION 5. Provision shall be made by law for the distribution of the income of the school fund among the several towns and cities of the state, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city or town, for the year in which said city or town shall fail to raise such tax, nor to any school-district for the year in which a school shall not be maintained at least three months.

# FORMS

## FOR THE USE OF SCHOOL OFFICERS.

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### No. 1.

Form of order organizing a new school-district, to be filed with the town clerk.

It is hereby ordered and determined that [*here describe the territory to be comprised in the district, by sections and parts of sections*] shall hereafter constitute a school-district, to be known as school-district No. —, of the town of —.

Given under our hands, this — day of —, 18—.

(Signed.)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.—For form of order organizing joint district, see No. 6.

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### No. 2.

Form of notice for the first meeting of a school-district, to be delivered by the town supervisors of a taxable inhabitant of the district.

Having, on the — day of —, 18—, formed a new school-district, to be known as school-district No. —, of the town of —, [*or joint school-district No. —, of towns of— and —, in case it be a joint district*] comprising the following territory: [*Here insert the description of the district, as in form No. 1*], you are hereby directed to notify every qualified voter of said district to attend the first meeting thereof, which is hereby appointed to be held at the house of —, in said district, on the — day of —, 18—, at — o'clock in the — noon, by reading this notice in the hearing of each such voter, or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting, and thereof to make due return.

Dated at —, this — day of —, 18—.

(Signed.)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.—If it is a joint district, the notice must be signed by the supervisors of each town in which any part of the district lies.

## No. 3.

Form of notice for first meeting, to be left at the residence of a voter when absent.

To A. A.:

By direction of the supervisors of the town of ———, you are hereby notified that the first meeting of school-district No. —, of ———, recently formed, will be held at the house of ——— ———, in said district, on the ——— day of ———, 18—, at ——— o'clock in the ———noon. Your attendance is requested.

(Signed)

G. H.,  
Person appointed to give notice.

## No. 4.

Form of return to be endorsed upon notice received from town supervisors, on the formation of a school-district.

I hereby certify that I have notified the following named persons [*Here give the names in full*], personally, and the following named persons [*Here insert names*] by copy, according to the direction of the within notice.

Dated this ——— day of ———, 18—.

• (Signed.)

G. H.,  
Person appointed to give notice.

## No. 5.

Form of notice for a meeting of a school-district, to be delivered by the town supervisors, to a taxable inhabitant, in case there is no officer to call a meeting.

To A. B., a taxable inhabitant of school-district No. —, of ———:

You are hereby directed to notify every qualified voter of school-district, No. —, of ———, to attend a meeting thereof, which is hereby appointed to be held at the house of ———, in said district on the ——— day of ———, 18—, at ——— o'clock in the ———noon, by reading this notice in the hearing of such voter, or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting. The following is a description of said district: [*Here describe the district as in form No. 1.*]

(Signed)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of ———.

NOTE—If it is a joint district, the notice must be signed by the supervisors of each town in which any part of the district lies.



## No. 6.

Form of order organizing a joint school-district.

It is hereby ordered and determined that [*here describe the territory by sections and parts of sections*] shall hereafter constitute a school-district, to be known as joint school-district No. —, of the towns of [*here insert the names of all the towns in which any portion of the district is situated*].

Given under our hands, this — day of —, 18—.

(Signed.)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.  
G. H. } Supervisors  
I. J. } of the town  
K. L. } of —.

NOTE.—The above order must be signed by at least two supervisors from each town affected by it, and a copy must be filed with the town clerk of each town.

## No. 7.

Form of acceptance of office by district officers elected at the first meeting after the formation of a district, to be filed with the clerk of the meeting.

I hereby signify my acceptance of the office of —, of school-district No. —, in the town of —, to which I have been elected.

Dated this — day of —, 18—.

(Signed.)

G. H.

## No. 8.

Form of notice to be given to the district, clerk when alteration of the boundaries of a district is contemplated.

To C. D., Clerk of school-district No. —, of town of —:

You will take notice that we shall be present at [*here mention the place*], on the — day of —, 18—, at — o'clock in the — noon, to hear and decide upon certain proposed alterations of the boundaries of said school-district.

Dated this — day of —, 18—.

(Signed.)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.—In case of a joint district, the above notice must be signed by a majority of the supervisors of each town, a part of which is embraced in the district or districts to be affected by the proposed alteration.

## No. 9.

Form of order for altering the boundaries of a school-district.

It is hereby ordered and determined that the [*here describe the territory by sections and parts of sections*], now part of school-district No. —, of the town of —, be and hereby is taken from said school-district, and attached to and made a part of school district No. —, of said town for all purposes whatsoever.

This order will take effect on the — day of —, 18—.

Given under our hands this — day of —, 18—.

(Signed.)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE 1.—The above order must be filed with the town clerk and the district clerk; and in case of a joint district, the order must be signed by a majority of the supervisors of each town, a part of which is embraced in the district, and filed with the town clerk of each town, and the district clerk of each district affected by the alteration.

NOTE 2.—The board of each district affected by the alteration may indorse their consent on the order as follows:

We hereby consent to the alteration made in school-district No. —, of the town of —, agreeably to the within order of the town supervisors of said town.

(Signed.)

G. H., Director, } Of said school-district  
E. F., Treasurer, } No. —, of the town  
C. D., Clerk, } of —,

NOTE.—When such consent is not indorsed upon the order, it will not take effect until three months after its date.

## No. 10.

Form of order of town supervisors awarding proportion of value of property to new district.

To the district clerk of school-district No. —, of the town of —:

Having formed a new school-district, No. —, of the town of —, in part [*or wholly*] from the territory of your district, we have ascertained and determined the proportion of value of the school house and other property, justly due to such new school district from your district, retaining such school house and other property, to be — dollars. You are, therefore, to raise and collect by tax, upon the taxable property of your district, the said sum of — dollars, and when collected pay the same to the treasurer of said new district.

Given under our hands this — day of —, 18—.

(Signed.)

E. F. } Supervisors  
C. D. } of the town  
A. B. } of —.

NOTE.—In case of a joint district, the above notice must be signed by a majority of the supervisors of each town embraced, in part, in the district.

## No. 11.

Form of notice for annual district meeting.

Notice is hereby given to the qualified electors of school-district No. —, of the town of —, that the annual meeting of said district for the election of officers and the transaction of other business, will be held at —, on the first Monday, being the — day of July, at 7 o'clock in the afternoon, [*unless some other hour was determined upon by the district at the previous annual meeting*].

Dated this — day of —, 18 —,  
(Signed.)

C. D.,  
District Clerk.

NOTE.— The above notice must be affixed to the outer door of the school-house, if there be one in the district, and must be posted up in at least three other public places, at least six days before the time appointed for the meeting.

## No. 12.

Form of notice for an adjourned district meeting, when such meeting has been adjourned for a longer period than one month.

Notice is hereby given, that a meeting of the qualified electors of school-district No. —, in the town of —, will be held at —, in said district, on the — day of —, 18 —, at — o'clock in — noon, pursuant to adjournment.

Dated this — day of —, 18 —.  
(Signed.)

C. D.,  
District Clerk.

NOTE.— The foregoing must be posted the same as for the annual meeting.

## No. 13.

Form of request for clerk to call a special district meeting.

To A. B., clerk of school-district No. —, of the town of —:

SIR— You are hereby requested to call a special meeting of the above district on the — day of —, 18 —, at — o'clock in the — noon, for the purpose of [*here state the business to be transacted*].

(Signed.)

A. B.  
C. D.  
E. F.  
G. H.  
I. J.

NOTE.— The above notice must be signed by at least five legal voters.

## No. 14.

Form of notice for special district meeting.

Notice is hereby given to the qualified electors of school-district No. —, in the town of —, that a special meeting of said district will be held at —, on the — day of —, 18 —, at — o'clock in the — noon, for the following objects: [*Here particularly specify each item of business to be acted upon.*]

(Signed)

C. D.,  
District Clerk.

NOTE — The above must be posted as for an annual meeting, and in case it is intended to raise a tax, or vote a loan, three-fourths of the legal voters must be personally notified of the meeting, or a copy of the above notice must be left at their places of residence, at least six days before the time appointed for the meeting.

Form of notice for special school meeting for the purpose of authorizing the district board to borrow money from the trust funds of the state, and to vote the taxes required by law to be voted, in order to obtain such loan.

Notice is hereby given to the qualified voters of — school district No. —, town of —, that a special school meeting of said district will be held at —, in said district on the — day of —, 18 —, at — o'clock P. M., for the purpose of voting on the following propositions, viz.:

1st. To authorize the school board to make application for a loan of — dollars from the state trust funds, payable in — years, with interest at the rate of seven per cent. per annum, payable annually in advance, for the purpose of building school house.

2d. To raise by tax a sum sufficient to pay the principal and interest of such loan as it becomes due.

3d. To raise by tax the sum of — dollars, to be collected in the tax for the year — to aid in building school house.

(Signed)

Dated —.

\_\_\_\_\_  
District Clerk.

## No. 15.

Form of notice to be given by the clerk of a school-district meeting to the officers elect who were not present at the meeting.

To — —:

You are hereby notified that at a meeting of school-district No. —, in the town of —, held on the — day of —, 18 —, you were duly elected — of said district.

Dated this — day of —, 18 —.

(Signed.)

C. D.,  
Clerk of said meeting.

NOTE.—This notice is required to be given within five days after the meeting, and only to those persons elected to office who were not present at the time.



## No. 16.

Form of refusal to accept district office, to be filed with the clerk of the district.

*To the clerk of school-district No. —, in the town of —:*

You are hereby notified of my refusal to accept the office of —, to which I was elected at the meeting of said district, held on the — day of —, 18 —.

(Signed.)

G. H.

NOTE.—This notice of refusal must be filed within ten days after the election, or the person will be deemed to have accepted the office, and be liable for non-performance of duty.

## No. 17.

Form of an appointment to fill a vacancy in the district board.

To A. B.:

The office of [*clerk, director, or treasurer*] of school-district No. —, of the town of —, having become vacant, you are hereby appointed to fill such vacancy until the next annual meeting in said district.

Dated this — day of —, 18 —.

(Signed.)

G. H., *Director.*

E. F., *Treasurer.*

[Or other members of the board, as the case may be.]

NOTE.—It requires two members of the board to make an appointment. If they neglect for ten days to fill the vacancy, it must be done by the town clerk, after the following form; in either case the appointment must be filed with the district clerk:

## No. 18.

Form, when the town clerk appoints.

To A. B.:

The office of [*clerk, director, or treasurer*] of school-district No. —, of the town of —, having become vacant, and the district board of said district having failed to fill the same within ten days, you are hereby appointed to fill such vacancy until the next annual meeting of said district.

(Signed.)

C. D., *Town Clerk.*

NOTE.—In case a vacancy in a joint district is to be filled by the town clerk, the appointment is to be made by the clerk of the town containing the school-house. (See sec. 433.)

## No. 19.

Form of refusal to accept a district office by appointment.

*To the district board of school-district No. — [or the town clerk as the case may be], of the town of—:*

You are hereby notified of my refusal to accept the office of — of school-district No.—, of said town, to which I was appointed by you on the — day of —, 18—.

Dated this — day of —, 18—.

(Signed.)

G. H.

NOTE.—The notice of refusal must be filed with the clerk or director within five days after the appointment, or the person shall be deemed to have accepted the office, and be liable to a fine for non-performance of duty.

## No. 20 (Deed or Lease).

Form of a deed of a school-house site.

Know all men by these presents, that I, A. B. [*and C. B., his wife, if married*], of the town of —, in the county of —, in state of Wisconsin, party of the first part, for and in consideration of the sum of — dollars to them in hand paid by the district board of "school-district No. —, of the town of —," county of —, and state aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, and convey to the said school-district, party of the second part and their assigns, the following described piece of land, namely: [*Here insert description of land.*] Together with all the privileges and appurtenances thereunto belonging. To have and to hold the same to the party of the second part and their assigns forever; and the said party of the first part for themselves, their heirs, executors, and administrators, covenant, bargain, and agree, to and with the said party of the second part and their assigns, that at the time of the sealing and delivery of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute, and indefeasible estate of inheritance in the law in fee simple, and that the said lands and premises are free from all incumbrances whatsoever, and that the above bargained premises in the quiet and peaceable possession of the said party of the second part and their assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, the said party of the first part will forever warrant and defend.

In witness whereof, the said A. B. and C. B., his wife,

party of the first part, have hereunto set their hands and seals, this — day of —, A. D. 18—.

Signed, sealed, and delivered	}	A. B. [SEAL.]
in presence of		E. F.
		G. H.
		C. B. [SEAL.]

NOTE.—Such deed should be duly acknowledged before a notary public, justice of the peace, or other officer authorized by law to take such acknowledgment, and recorded in the office of the register of deeds for the county.

#### Form of lease.

Know all men by these presents, that A. B., of the town of —, in the county of —, in the state of Wisconsin, of the first part, for the consideration herein mentioned, does hereby lease unto “school-district No. —, of the town of —,” county of —, in the state aforesaid, party of the second part, and their assigns, the following described parcel of land: [*Here insert description of land*]. Together with all the privileges and appurtenances thereunto belonging: To have and to hold the same for and during the term of — years, from the — day of —, A. D. 18—; and the said party of the second part for themselves and their assigns, do covenant and agree to pay to said party of the first part, for said premises, the annual rent of — dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this — day of —, 18—.

A. B.,	Lessor,	[SEAL.]
C. D.,	}	District board of school-
E. F.,		district No. —, of the
G. H.,		town of —.

#### No. 21.

##### Form of contract between district and teacher.

It is hereby agreed between school-district No. —, of the town of —, and L. M., a qualified teacher of the county of —, [*or superintendent district No. —, of the county of —, as the case may be,*] that the said L. M., is to teach the common school of said district for the term of [*here insert the time*], for the sum of — per month, commencing on the — day of —, 18—, it being understood and mutually agreed that — days shall constitute a month; and for such services properly rendered, the said district is to pay to the said L. M., the amount that may be due according to this contract, on or before the — day of —, 18—.

Dated this — day of —, 18—.

(Signed.)

A. B.,	Director.
C. D.,	Treasurer.
E. F.,	Clerk.
L. M.,	Teacher.

If the teacher holds a limited certificate, for a single town or district, the contract may read: "a qualified teacher of said town," or "said district."

In case the teacher is employed in a graded school, the particular department for which he is engaged may be specified, and the contract may read: "— dollars per week," if hired by the week.

By section 459, printed on page 85 of this code, it will be seen that 20 days constitute a teacher's month, unless otherwise specified in the contract. When the teacher is hired at so much a month, it is best always to specify in the contract how many days of teaching shall be considered a month.

All legal holidays count as school days for both teacher and district, if they come on a day when school would otherwise be taught, but as the law now provides, Saturdays are not to be counted. If a legal holiday occurs on Sunday, the succeeding Monday is a legal holiday.

If the teacher is expected to build the fire, or cleanse or otherwise care for the school-house, it should be so stated in the contract. If not specially provided for, the district board must provide for janitor service.

The contract must be signed by at least two members of the board, and cannot lawfully be made, until a meeting of the board has been held. A copy of the certificate held by the teacher must be attached to the contract. See section 438, pages 55, 56, 57 and 58.

### No. 22.

Form of bond of district treasurer to be filed with the district clerk.

Know all men by these presents, that we, E. F., treasurer of school district No. —, of the town of —, and L. M., his surety, are held and firmly bound unto said school-district in the sum of [*here insert a sum of double the amount to come into the treasurer's hands, as near as can be ascertained*] to be paid to the said school-district, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our hands and dated this — day of —, A. D. 18—.

The condition of the above obligation is such that if the said E. F., treasurer as aforesaid, shall faithfully discharge the duties of his office as treasurer of said school-district, and shall well and truly pay over to the person or persons entitled therein, upon the proper order therefor, all sums of money which shall come into his hands as treasurer of said district, and shall, at the expiration of his term of office, pay over to his successor in office all moneys remaining in his hands as treasurer aforesaid, and shall deliver to his successor all books and papers appertaining to his said office, then this obligation shall be void, otherwise of full force and virtue.

Signed, sealed, and delivered in }		
presence of	R. S.	E. F. [SEAL.]
	G. H.	L. M. [SEAL.]

Form of approval to be indorsed on the bond of treasurer.

We approve of the within bond and surety.

(Signed.)

G. H., *Director.*

C. D., *Clerk.*



## No. 23.

Form of notice to treasurer to furnish additional security.

To A. B., *treasurer of school-district No. —*:

SIR:—Deeming the security upon your bond insufficient to protect the district against loss, we hereby require you to furnish a new bond in the sum of \$—, with sureties to be approved by us, within ten days of the date hereof.

Dated this — day of —, 18—.

(Signed.)

C. D., *Director.*

E. F., *Clerk.*

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## No. 24.

Form of order on treasurer for moneys to be disbursed by school-district.

To A. B., *treasurer of school-district No.—, in the town of—*:

Please pay to — — the sum of — dollars for [*here specify the object for which the money is to be paid*], out of any money in your hands, not appropriated, belonging to the [*here name the fund on which the order is drawn*], of said district.

Dated this — day of —, 18—.

(Signed.)

C. D., *District Clerk.*

G. H., *Director.*

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## No. 25.

Form of school register to be kept by the teacher of each school.

The register furnished by the district should be one arranged in four parts. The first part should consist of blank pages for entering a daily programme of recitation and study. Following is a model page of this part:



The third part of the register should consist of blank pages for showing the classification of the school, and recording the progress and standing of each pupil in the several branches of study pursued. Following is a model page of this section, which can be repeated for each class in the school:

FIRST (OR SECOND. OR THIRD) CLASS IN GEOGRAPHY.

Winter (or spring or fall) Term, beginning . . . . ., ending . . . . .  
Class commenced . . . . . Geography, and advanced to page . . .

No.	Name.	Age.	Entered	Left.	Passed over pages.	Standing.	Prepa'd to go on from	Remarks.
1.	Jolin Jones	15	Nov. 1	March 5	19-78	100	Page 78.	Studious.
2.	Jane Smith	13	Nov. 8	March 8	25-68	68	Page 68.	Inclined to be frivolous.
3.	H. Peters..	14	Nov. 10	March 5	19-66	100	Page 66.	Mother sick. Made up all gone over to Nov. 10. Will probably make up during vacation to page 78, so as to go on with class.

The fourth part of the register should consist of a pupil's record for the school year, or ledger, which will be statistics posted from the daily register, and upon which the clerk may depend for making up his annual report for the town clerk. In this record, no pupil's name should be entered but once in any one school year. In all the series of records each pupil should be given a school number, which he should carry through the school year, whether attending school much or little, and this number should be assigned to no other pupil during that year. Following is the form of this section that may be used.





NOTE—Immediately upon the receipt of the certificate of the town treasurer, of the amount in his hands (See form No. 27), the clerk shall proceed to apportion it among the several districts of the town from which reports have been received according to law, and thereupon he will notify the treasurer as above, that he may pay the moneys to the treasurers of the districts entitled to the same.

### No. 27.

Form of certificate of town treasurer of moneys in his hands subject to apportionment.

*To the town clerk of the town of—:*

I hereby certify that there is now in my hands the sum of \$—, school moneys, subject to apportionment to the school-districts entitled thereto.

Dated this — day of —, 18—.

(Signed.)

A. B.,  
Town Treasurer.

### No. 28.

Form of report of town clerk to the county superintendent, of the names and post-office addresses of the district clerks in his town.

*To the county superintendent of schools of the county of—:*

SIR:—I hereby report to you the names of the school-district clerks in the town of —, and their addresses, as follows:

District.	Name of Clerk.	Post-office
No. 1.....	A. B.....	.....
No. 2.....	C. D.....	.....
No. 3.....	E. F.....	.....
No. 4.....	G. H.....	.....
No. 5.....	I. K.....	.....
No. 6.....	L. M.....	.....
Joint No. 1.....	N. O.....	.....
2.....	P. R.....	.....
3.....	S. T.....	.....

(Signed.)

A. W., Town Clerk.

NOTE—The town clerk must report his own name and post-office to the county superintendent within ten days after the said clerk's election, or appointment, and the name and office of each district clerk in his town, within ten days after the filing of the same in his office.

## No. 29.

Form of determination of relative proportion of taxes to be assessed upon the different parts of a joint district, situated in two or more towns.

Upon the application of A. B., C. D., and E. F., tax-payers in joint school-district No.—, of the towns of — and —, we have made the necessary inquiry and examination, and do hereby determine that for every dollar of district tax to be hereafter levied upon that portion of the district, the sum of — cents shall be assessed upon that portion of the district lying in the town of —, and — cents upon that part lying in the town of —.

Dated this —, 18—.

(Signed.)

G. H.,	{	Assessors
J. K.,		of
L. M.,		—
N. O.,	{	Assessors
P. R.,		of
S. T.,		—

NOTE.—If assessors cannot agree, and the supervisors, or supervisors and a chairman of an adjoining town are called to act, they will also sign the above. See section 471.

## No. 30.

Form of statement of the amount of taxes voted to be raised in a school-district, to be delivered by the district clerk to the town clerk.

To R. S., town clerk of the town of — :

The amount of taxes voted to be raised in school-district No.—, of the town of —, at the last annual meeting of said district, held on the — day of July, 18—, is [*write the amount in words*] dollars; which amount you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corporations liable to a school-district tax in said district: [*Here insert the names of the persons and corporations.*]

Dated this — day of —, 18—.

(Signed.)

C. D.,

Clerk of the School-district No.—, of the town of —.

STATE OF WISCONSIN, County of—, ss.

C. D., being duly sworn, on oath says that he is clerk of school-district No.—, of the town of —, and the above statement by him made of the amount of taxes voted to be raised said school-district, and the lists of persons and corporations liable to a school-district tax therein are true.

(Signed.)

C. D.

Subscribed and sworn to before me this — day of —, 18—.

(Signed.)

J. P.,  
Justice of the Peace.

NOTE.—If a district has been lately organized and a tax was voted at the first meeting, as well as at the annual meeting, that should be stated; also any tax voted at a special meeting, held between the time of the annual meeting and the third Monday of November following.

### No. 31.

Form of statement of the amount of taxes voted to be raised in a joint district, to be delivered to the clerk of each town in which any part of the district is situated.

*To R. S., town clerk of the town of —:*

The amount of taxes voted to be raised in joint school-district No. —, of the towns of — and —, at the last annual meeting of said district, held on the — day of July, 18—, is [*write the amount in words*] dollars; and the proportion of that amount to be raised in that part of said district which lies in the town of —, is [*write the amount in words*] dollars, which you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corporations liable to a school district tax in that part of the district lying within the town of — [*here insert the names of the persons and corporations*].

(Signed.)

C. D.,  
Clerk of Joint School-district No. —,  
Of the towns of — and —.

NOTE.—Attach affidavit of the district clerk similar to the one given in form No. 30.

### No. 32.

Form of application to board of supervisors to establish a school-house site.

*To the board of supervisors of the town of —:*

At a regular meeting of school-district No. —, it was decided by a vote of a majority of the electors present, to apply to your honorable board to establish a school-house site for said district. The district has selected [*here describe the location of the site selected*], but is unable to obtain the same, for the reason that the owner of the land selected will neither lease nor sell the same to the said district [*or that the owner is a non-resident*].

(Signed.)

A. B.,  
District Clerk.

## No. 33.

Form of certificate of district clerk that the notice for the meeting of the supervisors to establish a school-house site has been given.

*To the board of supervisors of the town of —:*

I hereby certify that on the — day of —, I served the following notice upon the owner and occupant of the land therein described: [*Here insert the notice in form 34.*]

Dated this — day of —, 18—.

(Signed.)

A. B.,  
District Clerk.

NOTE.—In case there is no account of the land selected for a site, and the owner is unknown or resides out of the state, the notice must be published in the nearest newspaper, for six weeks previous to the meeting of the board of supervisors, and the above certificate must state the facts of such publication, instead of personal service.

## No. 34.

Form of notice for meeting of supervisors to decide upon an application to locate and establish a school-house site.

The undersigned will be present at —, on the — day of —, at — o'clock in the — noon, to decide upon the application of school-district No. —, for the location and establishment of a school-house site for said district upon [*here describe the lands upon which it is proposed to establish the site.*]

Given under our hands, this — day of —, 18—.

(Signed.)

A. B., } Supervisors  
C. D., } of the town  
E. F., } of —.

NOTE.—In case the application is made by a joint district, the supervisors of all the towns in which any part of the district is situated, must sign the above notice and be present at the meeting to establish the site.

## No. 35.

Form of certificate of action of town board of supervisors in locating and establishing school-house site.

We hereby certify that on the — day of —, A. D. 18—, we located and established a school-house site for school-district No. —, comprising the following described territory [*here describe the lands taken for a site according to the survey of the same*], and award the sum of — dollars in full as compensation to the owner [*if there are two or more owners of the lands taken, specify the amount awarded to each*], of the lands thus taken for said school-house site.

Dated this — day of —, 18—.

(Signed.)

A. B., } Supervisors  
C. D., } of the town  
E. F., } of —.



NOTE.—The certificate of the action of town boards of supervisors in locating and establishing an *addition* to a school-house site, will be the same as above, except that in the second line, after the word “established,” the word “a” will be omitted, and the words “an addition to the” will be inserted; and the last two lines will be made to read, “taken for said addition to said school-house site.”

☞ Duplicates of the above certificates must be made out, and one of them must be delivered to the owner or occupant of the land taken, and the other to the district clerk of the district, who must have the same recorded in the office of the register of deeds of the county in which the site is situated.

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### No. 36.

Form of certificate of the sheriff of a vacancy in the office of county superintendent of schools.

To ———, *State Superintendent*:

SIR:—I hereby certify that a vacancy in the office of county superintendent of schools occurred on the ——— day of ———, 18—, by [*here state the cause of the vacancy, whether by death, resignation, removal from the county, or the removal from office of the incumbent*].

Given under my hand and seal of office, this ——— day of ———, 18—.

(Signed.)

A. B.,  
*Sheriff of ——— County.*

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### No. 37.

Form of certificate of a county clerk, of the division of a county into two superintendent districts, and of a consequent vacancy in the office of county superintendent of schools.

To ———, *State Superintendent*:

SIR:—I hereby certify that on the ——— day of ———, 18—, the board of supervisors of the county of ———, divided said county into two superintendent districts; that they have determined that the present county superintendent shall have jurisdiction of district No.—, and that district No.—, therefore remains vacant.

Given under my hand and seal of office, this ——— day of ———, 18—.

(Signed.)

A. B.,  
*County Clerk of ——— County.*

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### No. 38.

Form of statement of number of children of school age in a county, made by county superintendent for county treasurer.

To A. B., *treasurer of the county of ———*:

SIR:—The following is the number of children over the age of four and under the age of twenty years, in those districts

of the several towns in this county [*or superintendent district, as the case may be*] which have maintained school for five or more months the past school year, as returned to me by the town clerks:

Town.	Number of Children.	Town.	Number of Children.
A .....	.....	D .....	.....
B .....	.....	E .....	.....
C .....	.....	F .....	.....

Dated this 10th day of October, 18—.

(Signed.)

G. H.,

*County Superintendent of Schools for — County.*

NOTE.—The above statement must be filed with the county treasurer on or before the tenth day of October in each year.

### No. 39.

Form of notices to teacher and district clerk of the intention of the county superintendent to annul said teacher's certificate.

*To A. B., teacher in school-district No. —, town of —:*

SIR:—You are hereby notified that it is my intention to annul the certificate of qualifications now held by you as a teacher.

(Signed.)

B. B.,

*County Superintendent of Schools for — County.*

*To E. F., clerk of school-district No. — of the town of —:*

SIR:—You are hereby notified that it is my intention to annul the certificate of qualification held by —, now employed in teaching in your district.

Dated this — day of —, 18—.

(Signed.)

B. B.,

*County Superintendent of Schools for — County.*

NOTE.—The above notices must be served upon the teacher and district clerk at least ten days before the certificate is annulled.

### No. 40.

Form of annulment of teacher's certificate and notice to town clerk.

*To A. B.,*

SIR:—The certificate of qualification held by you as a common school-teacher in the county [*or superintendent district, or town*] of —, issued on or about the — day of —, 18—, is hereby annulled.

Dated this — day of —, 18—.

(Signed.)

C. D.,

*County Superintendent of Schools for — County.*

NOTE.—The above annulment will not take effect until the following notice has been filed with the town clerk of the town in which the teacher whose certificate is annulled is engaged in teaching.

*To the town clerk of the town of —:*

SIR: — You are hereby notified that on the — day of —, A. D. 18—, I annulled the certificate of qualification held by A. B., a teacher of your town, for the reason that, in my opinion, the said A. B. does not possess the requisite qualifications as a teacher in respect to [*moral character, learning, or ability to teach, as the case may be*].

Dated this — day of —, 18—.

(Signed.)

C. D.

*County Superintendent of Schools for the County of —.*

13—S. C. .

## APPLICATION FOR DICTIONARIES AND MAPS.

## No. 41.

Form of application for first supply of a school-district.

STATE OF WISCONSIN, *county of* —, ss:

—, being duly sworn, deposes and says that district No. —, in the town of —, county of —, has never been supplied with Webster's Unabridged Dictionary, by the state, as provided by law.

—  
District Clerk.

Post office —.

Subscribed and sworn to before me, }  
this — day of —, 18—.

—, }  
—, }  
Send by express to —, care of — —.

## No. 42.

Form of application for supply of additional departments.

STATE OF WISCONSIN, — *County*, ss.

—, being duly sworn, deposes and says that the following department—in district No. —, in the — of —, in the county of —, has never been furnished with Webster's Unabridged Dictionary by the state, as provided for by law; department—unsupplied, —; department—heretofore supplied, —.

—  
District Clerk.

Post-office —.

Subscribed and sworn to before me, }  
this — day of —, 18—.

—, }  
—, }  
Send by express to —, care of — —.

## No. 43.

Form of application for supply of additional departments in cities.

STATE OF WISCONSIN, — *County*, ss.

—, being duly sworn, deposes and says that the public schools in the city of —, county of —, embrace



— distinct departments, in as many different rooms (not including recitation rooms), under different teachers, and that the following departments in said schools have never been supplied with Webster's Unabridged Dictionary, as provided by law:

Departments unsupplied.	Departments heretofore supplied.
_____	_____
.....	.....
.....	.....
.....	.....
.....	.....

\_\_\_\_\_,  
*City Superintendent.*

Subscribed and sworn to before me, }  
this \_\_\_\_ day of \_\_\_\_, 18—. }  
\_\_\_\_\_, }  
\_\_\_\_\_. }

Send by express to \_\_\_\_, care of \_\_\_\_.

#### No. 44.

Form of application for dictionaries by the secretary of a town board.

STATE OF WISCONSIN, *County of* \_\_\_\_, ss.

\_\_\_\_\_, being duly sworn, deposes and says that the following subdistrict —, in the town of \_\_\_\_, county of \_\_\_\_, ha— never been supplied with Webster's Unabridged Dictionary, as provided by law; subdistricts unsupplied, \_\_\_\_; subdistricts heretofore supplied, \_\_\_\_.

\_\_\_\_\_,  
*Secretary of Town Board of Directors.*

Post-office, \_\_\_\_.

Subscribed and sworn to before }  
me, this \_\_\_\_ day of \_\_\_\_, 18—. }  
\_\_\_\_\_, }  
\_\_\_\_\_. }

Send by express to \_\_\_\_, care of \_\_\_\_.

#### No. 45.

Form for application for re-supply, when dictionary previously furnished is lost.

STATE OF WISCONSIN, \_\_\_\_ *County*, ss.

\_\_\_\_\_, being duly sworn, deposes and says that district No. —, in the town of \_\_\_\_, county of \_\_\_\_, has lost by \_\_\_\_,

the copy of Webster's Unabridged Dictionary heretofore furnished to said district by the state.

\_\_\_\_\_,  
District Clerk.  
Post office, \_\_\_\_.

Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_,  
18—.

\_\_\_\_\_,  
\_\_\_\_.

Send by express to \_\_\_\_ —, care of \_\_\_\_ —.

NOTE.—The price of the dictionary must accompany the application.

### No. 46.

Form of application for re-supply, when dictionary previously furnished  
is worn out.

STATE OF WISCONSIN, \_\_\_\_ County, ss.


\_\_\_\_ —, being duly sworn, deposes and says that the dictionary heretofore furnished to district No. —, in town of \_\_\_\_ —, county of \_\_\_\_ —, is so worn out as to be unfit for use.


\_\_\_\_\_,  
District Clerk.


Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_,  
18—.

\_\_\_\_\_,  
\_\_\_\_.

Send by express to \_\_\_\_ —, care, of \_\_\_\_ —.

 The last two forms above can be altered to meet circumstances, in case the application for a re-supply is for a graded school in a city or village.

 Dictionaries are not furnished free for a re-supply, but at the cost to the state. Those now on hand (May, 1885) cost \$7. The money, or a money order, or a draft must in all cases accompany the application. It is better to send a money order or draft, as the state is not responsible if the money is lost.

 Applications for dictionaries must be made by the district clerk, the secretary of the town board, or the superintendent of the schools in a city or incorporated village, and the post-office of the applicant should be given as well as the nearest express station. Dictionaries cannot be sent by mail.

## No. 47.

Form of application for map of Wisconsin.

— — —, *State Superintendent*:

SIR— I hereby make application for — cop— of Nicodemus &amp; Conover's map of Wisconsin, for use in — — —.

Name — — —,

Office — — —.

— — —, Wis., — — —, 188—.

Post-office — — —.

Send by express to — — —.

Care of — — —.

NOTE—The money must be sent in advance; the applicant must be a public officer or teacher; the maps are furnished only for public use, or schools. If wanted for a school-district, the clerk may apply. The price of the map is \$2.

## FREE HIGH SCHOOLS.

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### No. 48.

Form of resolution proposing establishment of a high school.

In order that the question of establishing and maintaining a high school in the town of — may be submitted to the electors thereof for determination, the following resolution is hereby proposed for adoption:

*Resolved, by the town board of the town of —, That a high school be established and maintained in said town. The town clerk is directed to give notice that said resolution will be submitted to a vote at the annual town meeting (or, general election) to be held in said town on the — day of —, 18—, (or at a special town meeting or election to be held on the — day of —, 18—, which the town clerk is hereby required to call upon due notice).*

Dated this — day of —, 18—.

*(Signatures of Board.)*

---

### No. 49.

Form of notice that foregoing resolution will be submitted to vote.

Notice is hereby given to the electors of the town of — in the county of —, that at a special election which is hereby called (*or at the annual town meeting, or general election*) to be held in said town on the — day of —, 18—, the following resolution will be submitted to the vote of said electors:

*Resolved, etc. [as in the foregoing]; and that at said election members of the high school board will be chosen, to take their offices if said resolution be adopted, the clerk for one year, the treasurer for two years, and the director for three years; their respective terms of office beginning with the annual town meeting.*

Dated this — day of —, 18—.

*(Signed.)*

— —, *Town Clerk.*

NOTE.—The above forms may be used with the proper changes, in the case of incorporated villages, or graded school-districts, the call and notice to be signed by the village or district clerk.

In case the call is for special school-district meeting, it must be signed by at least five legal voters of the district, and the notice given at least six days before the time appointed.



## No. 50.

Form of certificate to be forwarded to the state superintendent to secure participation in apportionment to free high schools.

This may certify, that on the — day of —, 188—, the legal voters of the town of — [or towns of —, where two or more towns unite, or of school-district No.—, town of —, where vote is by a school-district, or city, or village] adopted a resolution to establish and maintain a free high school in said town (or towns, or school-district), and the persons whose names are hereunto appended have been duly elected to the office appended to their names, respectively. We further certify that no (or one or more) graded school exists in said — of —. The course of study adopted by said high school board for said high school is herewith submitted for the approval of the state superintendent, and the names and examination papers of —, pupils prepared to enter said high school, who are residents of said town (or towns, or school-district) of —, are herewith forwarded for inspection. The examination of these pupils was held on the — day of —, 188 —, and was conducted by—.

Dated at —, this — day of —, 188—.

—	}	<i>Director.</i>
—		<i>Clerk.</i>
—		<i>Treasurer.</i>

NOTE.—With this certificate the examination papers of at least twenty-five pupils, residents of the high school district, should be forwarded. The character and scope of these examinations are commented upon in the high school pamphlet.

## TOWNSHIP SYSTEM OF SCHOOLS.

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### No. 51.

Form of petition.

*To M. S., Town Clerk:*

The undersigned electors of the town of —, hereby petition that the question of township school government in said town may be submitted to the electors thereof, at the ensuing annual town meeting (*or*, general election).

Dated this — day of —, 18—.

(Signed.)

— —,  
— —,  
— —,  
— —.

NOTE.—The petition is to be signed by at least ten electors of the town.

---

### No. 52.

Form of notice to be given by town clerk.

Notice is hereby given that at the annual town meeting (*or*, general election), to be held in said town of —, on the — day of —, 18—, the question of township school government in said town will be submitted to the electors thereof, a petition therefor having been presented to me signed by ten electors of said town.

Dated this — day of —, 18—.

(Signed.)

— —, *Town Clerk.*

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